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NATIONAL REVIEW

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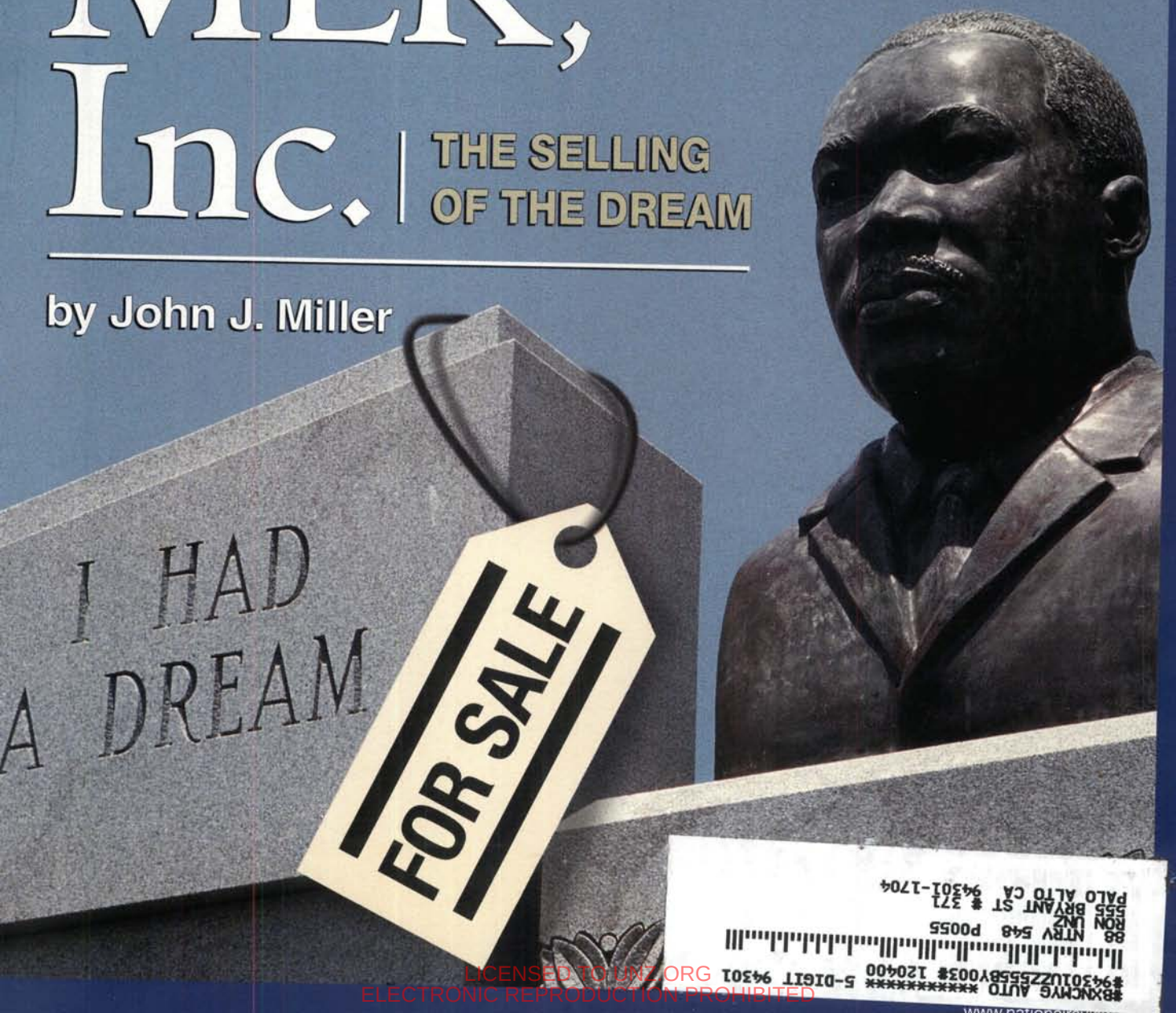
THE SELLING OF THE DREAM

by John J. Miller



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A world of ideas on public policy.

The Globalization of the Fight Against Disease

By Harvey Bale, Ph.D.

While the burden of many diseases, such as AIDS and other infectious diseases, has been globally distributed, pharmaceutical research efforts to find effective pharmaceutical interventions have been concentrated in a few industrial regions – Europe, North America and Japan.

Even for diseases predominantly occurring in developing countries – malaria, TB, trachoma and respiratory diseases – drug research and development is insignificant except in those industrial countries where such diseases remain a threat primarily through external communication links. This lack of globalized drug research is in spite of the educational and scientific levels achieved in such countries as India, Brazil, China, Egypt and Argentina.

Until recently many important developing countries gave no incentives to *local* researchers and pharmaceutical companies to discover and develop new drugs. Instead, through the absence of patent protection, local drug companies were encouraged only to copy innovative drugs coming from elsewhere. As the large majority of innovative medicines, including vaccines, are discovered and developed by commercial pharmaceutical and biotechnology enterprises, the lack of protection for patents, trademarks and commercial proprietary information in the developing world gave over the management of R&D in all disease areas entirely to "multinational" companies. Not providing patent protection to medicines was defended on the grounds of "public health" – i.e., the "common sense" theory that patents lead to high drug costs.

This started to change more than a decade ago. Korea, Taiwan, Mexico, *et al* adopted patent protection for medicines, and then more recently China and Brazil reversed earlier policies and recognized the value of intellectual property rights. These countries are now shifting more efforts toward drug discovery and development, and are attracting multinational partners to develop and produce medicines locally.

As we move toward the Year 2000, there is now promise of further globalization of drug research as a result of recent international agreements, particularly the World Trade Organisation (WTO) Agreement on Trade-Related Intellectual Property Rights (TRIPS). Under this agreement, anti-counterfeiting efforts will be strengthened, patents will gradually come into force and companies should be able to protect proprietary data and information.

However, a debate still continues over whether these new incentives to encourage drug discovery will impair people's access to essential medicines in poorer countries. The Director General of the World Health Organisation has stated that today about a third of the world's population lacks "guaranteed access to essential drugs" and most of these also lack access to primary healthcare services. Don't patents, which give pharmaceutical and biotechnology innovators an exclusive right to exploit their inventions for a limited amount of time (effectively, 8-10 years under TRIPS), create *de facto* "monopolies" to be exploited by patent holders?

In fact, there are some two-dozen new drug and vaccine products introduced to the world market each year, amounting to a small proportion of the healthcare expenditure in most countries, especially developing ones. These products must compete with older, patent-expired products and other newly appearing patented variations that have similar therapeutic effects – witness the simultaneous appearance a couple of years ago of several innovative drugs in the protease inhibitor class to treat HIV/AIDS. Further, patents do not apply retroactively to products pre-existing in the marketplace.

The logical and empirical evidence suggests for the above reasons that patents do *not* cause a general rise in the prices of drugs in developed or developing countries. In developing countries that have adopted or strengthened pharmaceutical patent protection in recent years there is little or no pressure to go backwards and repeal the patent system – which US President Abraham Lincoln said 140 years ago has benefited society by adding "the fuel of interest to the fire of genius."

> ***The new system protecting patents will accelerate the search for needed cures globally***

This is not to say that access to medicines in poorer countries is not an issue. In response to poor financing capabilities at the national and international levels, there are major long-term donation programs instituted by pharmaceutical companies for such debilitating diseases as trachoma, filariasis and river blindness. But the issue is one of financing, not patents. For example, the patent system has produced vaccines for infectious diseases such as Hepatitis B and meningitis. However, these vaccines, despite efforts of companies to make them more accessible to developing countries, are underused because of the lack of a global strategy requiring adequate national and international financing mechanisms.

The new system protecting patents will accelerate the search for needed cures globally. TRIPS will help harness genius to the struggle against disease.

Dr. Bale is Director General of the International Federation of Pharmaceutical Manufacturers Associations (IFPMA) in Geneva, Switzerland, which represents the research-based pharmaceutical industry and other manufacturers of prescription medicines, worldwide. For more information please see www.ifpma.org or call +41 (22) 340 1200.

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NATIONAL REVIEW

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■ LETTERS ■

STRIFE, MARITAL AND SOCIAL

Maggie Gallagher's cover story, "Marriage-Saving" (Nov. 8), trumpets the virtues of preserving marriage without clearly identifying these virtues, and assumes that the decline in marriage "underlies a host of troubling social trends." But it is necessary to take a second look at some of these so-called troubling trends. With increasing numbers of second marriages, divorce doesn't always mean single parenthood. More later marriages would seem to suggest a greater risk of out-of-wedlock births—but that just isn't the case. The rate of births to teenage girls has dropped, from 50 percent in the 1970s to 30 percent today.

Single parenthood may be *correlated* to drug use, dropping out, child abuse, and crime, but it is not clearly the cause of these problems, nor are all—or even most—single parents and their children drug users, school dropouts, or criminals. Studies consistently suggest that factors such as economic poverty and lack of job and educational opportunities are the common features underlying single parenthood, abuse, crime, and other troubling social trends. What does "marriage-saving" do for these issues?

Ngoc Loi
Grinnell, Iowa

MAGGIE GALLAGHER REPLIES: *The literature on the consequences of divorce is vast, and the evidence points to the conclusion that it is not just unwed parenting that has negative consequences for children. (See, for example,* A Generation at Risk.*) While poverty does increase the risk of divorce, it is even more true that divorce vastly increases the risk of poverty. The same goes for educational failure. Neither common sense nor social science supports the idea that divorce is only a symptom of other, more important social ills. Marriage really does matter.*

POPULATION AND ITS ENEMIES

As a longtime fan of NATIONAL REVIEW, Stephen Moore, and the Cato Institute, I read with dismay Mr. Moore's article on the nonexistence of an overpopulation crisis ("Body Count," Oct. 25). While I agree wholeheartedly that people with the means to provide for children should not be kept from having as many as they can care for, I see no advantage in uneducated people with little money having six or more children. While people with common sense take pains to have only the number of children they can afford to raise, others do not.

Perhaps Mr. Moore has never seen some of the slums of Mexico and Brazil, where families that can't afford them have six or more children. What about the crack babies here in the U.S.? Are we being fair to the children being born?

People with sense can see the folly of allowing unrestrained population growth. Maybe this should be addressed in tax policy and economic incentives, rather than with coercion, but the problems are real and cannot be ignored.

Gilda F. Kroos
Sarasota, Fla.

STEPHEN MOORE REPLIES: *Slums in Mexico and Brazil are the result of too much statism, not too many people.*

BETRAYING FEDERALISM

The conclusion reached in "The Week" (Nov. 22) regarding the Oregon vote on assisted suicide was incorrect. It's true that controlled substances are federally regulated. The congressional ban, however, is a usurpation of the state's power, because it lies outside of the enumerated powers of Congress in Article I, Section 8, of the Constitution. It is a violation of the rights of the state and people of Oregon for federal law to interfere in a matter over which it has no authority. Alexander Hamilton rightly noted in the Federalist Papers that all legislation contrary to the Constitution was ipso facto invalid. I am disappointed that NR does not share this basic federalist principle.

Jack Davis
Altamonte Springs, Fla.

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■ FOR THE RECORD ■

■ President **Clinton**, to ABC interviewer on impeachment legacy: "They will say I made a bad personal mistake, I paid a serious price for it, but that I was right to stand and fight for my country and my Constitution and its principles. . . ." Clinton, on whether he would like to serve another term: "I love the job and I would continue to do it if I could. . . . I would not willingly give up any day of the opportunity to serve as president.". . . Clinton says governors shouldn't decide how to spend federal education funding "because it's not their money. If they don't want the money, they don't have to take it. If they're offended by it, they can give it to other states and other school districts." . . . *Washington Times*'s **John McCaslin** quotes Clinton at private fundraiser: "Now, you know, I once had a lifetime membership in the NRA. I've even got my jacket there. I'm sure they revoked it somewhere now." McCaslin then quotes NRA's **Wayne LaPierre Jr.**: "He never had a lifetime membership, he never had a jacket. He made it up."

■ **George W. Bush** signs up for four debates over next two months. . . . Bush calls for federal government to write two-year budgets, also praises GOP Congress for giving governors flexibility in education spending. . . . In 3/99 e-mail memo on FALN clemency, White House aide **Jeffrey Farrow** wrote, "The VP's Puerto Rican position would be helped." . . . Gore campaign manager **Donna Brazile**, on strategy: "I'm pushing to win Iowa, do very, very well in New Hampshire, make [former Sen. **Bill Bradley**] defend his base in the East and force Bradley to come South, where we take him on and beat him.". . . Bradley to CBS's **Bryant Gumbel**, on whether he'd be Gore's VP: "No.". . . Bradley throws star-studded Madison Square Garden hoops fundraiser. Campaign Study Group analysis shows, prior to MSG event, George W. Bush had raised nearly twice as much from sports donors as Bradley. . . . Bradley reaches $1 million in online fundraising receipts. . . . Sen. **John McCain**'s campaign receives over $500,000 through Web. . . . Federal Election Commission decides websites created by independent supporters of candidates will be considered volunteer activity, not campaign contributions.

■ Responding to question at Wolfeboro, N.H., meeting, McCain names possible running mates: **Elizabeth Dole**, retired general **Colin Powell**, Sen. **Fred Thompson**. McCain: "I think they're all wonderful people, but I don't think that would mean that there aren't 20 to 30 highly qualified candidates.". . . **Gary Bauer** urges **Steve Forbes** to withdraw from race. In *New York Times*/CBS News poll, Forbes rates "favorable" with 11 percent of adults, "not favorable" with 33 percent; Bauer gets 3 percent "favorable," 10 percent "not favorable." . . . **Pat Buchanan** says that "while I'm not going to write the pro-life plank into the Reform party platform, I do carry it in my heart and I will carry it into the presidency of the United States."

"You know, sooner or later it's going to occur to somebody to sue us *for malpractice."*

■ Battle for state legislatures heats up in run-up to redistricting. As of today, GOP has complete control over the redrawing of 113 House districts—up from 5 in 1991. Democrats have complete control of 144 districts—down from 172 in 1991. . . . Sen. **Dianne Feinstein** (D., Calif.) to CNN's **Wolf Blitzer** on budget: "I really think the budget issues are fairly easy to settle. I mean, I'm one Democrat, frankly, that doesn't feel that an across-the-board cut of 1 percent is anything untoward. I feel any good budget manager should be able to handle that without a problem.". . . **George Stephanopoulos**, on *Good Morning America*: "**Hillary**'s campaign is stuck. She's five points behind. Her unfavorability ratings have gone up consistently since she started talking about the race in April." . . . U.S. Supreme Court overturns federal judge's injunction against Cleveland school-choice program. . . . *In Oklahoma City*, parents of 9-year-old boy with cerebral palsy file suit against soccer league that banned him from playing with walker on wheels. District judge rules in parents' favor, grants preliminary injunction to let boy play in final game of season. . . . Ohio superintendent resigns in wake of his suggestion that guns be made available to teachers for defense. . . . Census Bureau report reveals more than half of first children born to young women in early 1990s were conceived out of wedlock. . . . *Washington Post* reports U.S. Army rates two of its ten divisions as unprepared for war. Primary reason: Each division has one brigade doing peacekeeping in Balkans.

■ Russia conducts successful test launch of new medium-range interceptor missile that will be key to its anti-missile defense system. . . . American POWs tell House International Relations Committee they were tortured, and one Air Force captain was killed, by Cuban agents during Vietnam War. . . . China sentences four Falun Gong members to prison in first trial involving the group. . . . *Liberation Army Daily* reports China's Nanjing Military Region recently practiced an amphibious landing and assault on an island in the East China Sea. . . . Mauritania becomes third Arab government (after Egypt and Jordan) to establish full diplomatic relations with Israel. . . . **Antonio Guterres**, Portuguese premier and new head of Socialist International, calls for coordinated action between the movement and the U.S. Democratic party.

■ Hillary Clinton, on whether the president will declare residence at the Clintons' new Chappaqua, N.Y., house: "I haven't really talked to him about that." **NR**

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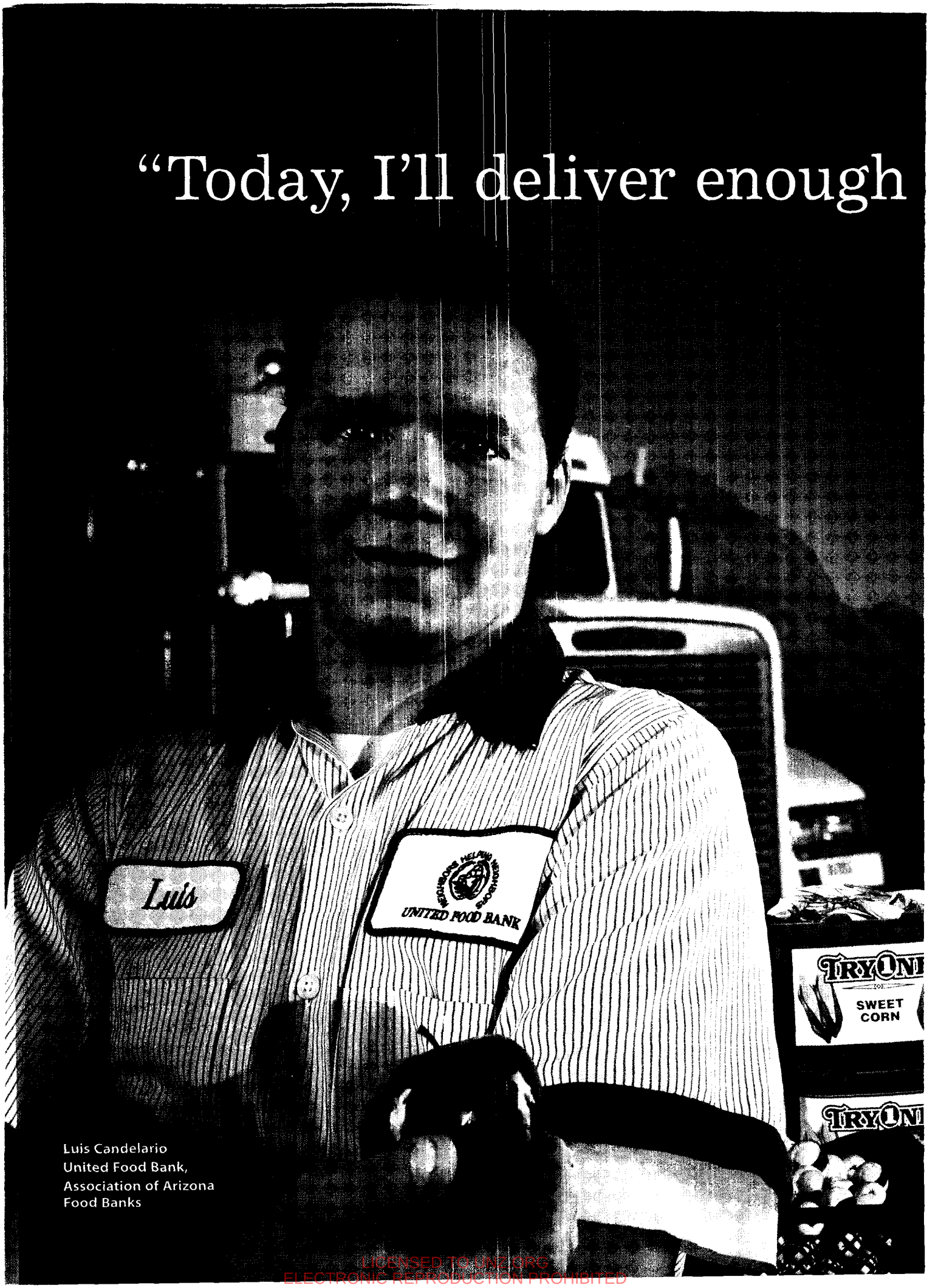

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United Food Bank,
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THE WEEK

■ Yes, but would Pat Buchanan pick up Lenora Fulani if he were driving a cab?

■ Other names of foreign leaders George W. Bush would have gotten (partially) right: France—Jacques; North Korea—Kim; South Korea—Kim; Spain—José.

■ The primary season approaches, and so does the migrating goo-goo, a species visible in almost every election cycle. There are five field markings: *Detached*. The goo-goo is beyond the sweat of politicking. Bobby Kennedy and Bill Clinton were never goo-goos. *Anti-establishment*. The goo-goo must be a dark-horse candidate, and not conventionally liberal: Eugene McCarthy had an upright, almost aristocratic aesthetic. *Directionally left*. Still, the net effect of the goo-goo must be to tug the field to the left: John Anderson bolted the GOP in a liberal direction. *Beloved by the press*. The goo-goo is a reporter's darling, even when there is much to uncover: Gary Hart sailed through the 1984 cycle unscathed, although his womanizing was as known then as it would be later. Who are this year's goo-goos? Bill Bradley and John McCain. Consider the markings: Bradley is aloof and cool, McCain insulated by arrogance. Both are running in second place. Though Bradley's current ideas are quite left, his mild and wonkish manner complicates the picture; and while McCain is generally conservative, he made his name politically with crusades on tobacco and campaign finance. They are media heroes (the press hardly mentions the freebies McCain takes from companies regulated by the Commerce Committee, which he chairs). The fifth field marking? Goo-goos are always flashes in the pan.

■ One of Pat Buchanan's charges against the political status quo is that the major parties are copies of each other. There is truth to his charge, particularly in the matter of identity politicking: Republicans quail before it, while Democrats practice it lustily. Both Bill Bradley and Al Gore have gone so far as to meet with loudmouth troublemaker Al Sharpton. But third-party status does not itself confer nobility, as Buchanan revealed when he announced that he too will meet with Sharpton, courtesy of his new Reform-party ally Lenora Fulani, devotee of a Marxist cult. Sharpton falsely accused an upstate district attorney of raping Tawana Brawley, and picketed Freddie's Fashion Mart, a Harlem store, because it was owned by Jews. (One of Sharpton's followers later shot up and burned the store, killing half a dozen people.) Sharpton should be shunned by decent people—a category that includes three fewer politicians than it once did.

■ At the end of the budget negotiations between congressional Republicans and the White House, the president got roughly half the additional spending he sought. Republicans, on the other hand, had so few bragging rights that they were pointing to their refusal to increase funding for the National Endowment for the Arts. They did, however, get the better of the U.N.-funding dispute. The president agreed to restrict the ability of government-funded organizations to promote abortion abroad. This is a first for federal law; under Presidents Reagan and Bush, the policy was implemented through executive order. Although Clinton won some concessions that soften the impact of this law, it was a symbolic victory that had feminists furious. In this budget, unfortunately, symbolic victories are the only ones on offer.

■ Donald Trump proposed a "one-time wealth tax" of 14.25 percent on the very wealthiest Americans. He fantasizes that the proceeds could be used to pay off the national debt and cut taxes for the working stiff. In reality, a wealth tax would cause capital flight, crash the stock market, and damage the dollar—and that is only what would happen *before* President Trump signed it into law. Such are the wages of theft. Trump is an egotistical billionaire who believes his experience in a politically sensitive industry makes him the ideal strongman to run the economy. Yes, it looks as though Ross Perot has found a worthy successor.

■ Mrs. Clinton sat serenely on a podium in PLO-controlled Ramallah while Mrs. Suha Arafat declared that Israel douses Palestinian women and children with poison gas. In case Harold Ickes has not told you, Mrs. Clinton, this is not the way to win elections in New York. A more fruitful line of inquiry might be whether anyone is slipping brain-damaging gas into the Clinton campaign.

■ Marsha Berzon and Richard Paez are probably both headed for circuit-court judgeships, thanks to Trent Lott. Conservatives had been trying to block votes on the Clinton nominees, but the Senate majority leader agreed to hold votes by March 15—and said he would try to clear the other pending nominees by then, too, and stop any filibusters. What did Lott get for these astonishing concessions? According to the AP account, he won confirmation for a fellow Mississippian, the mayor of Tupelo, to the board of the Tennessee Valley Authority. A Lott spokesman denies there was a deal and says that the Democrats had to be appeased because otherwise they would have shut down the Senate indefinitely. He adds, "We have a lot we want to do next year." Like what?

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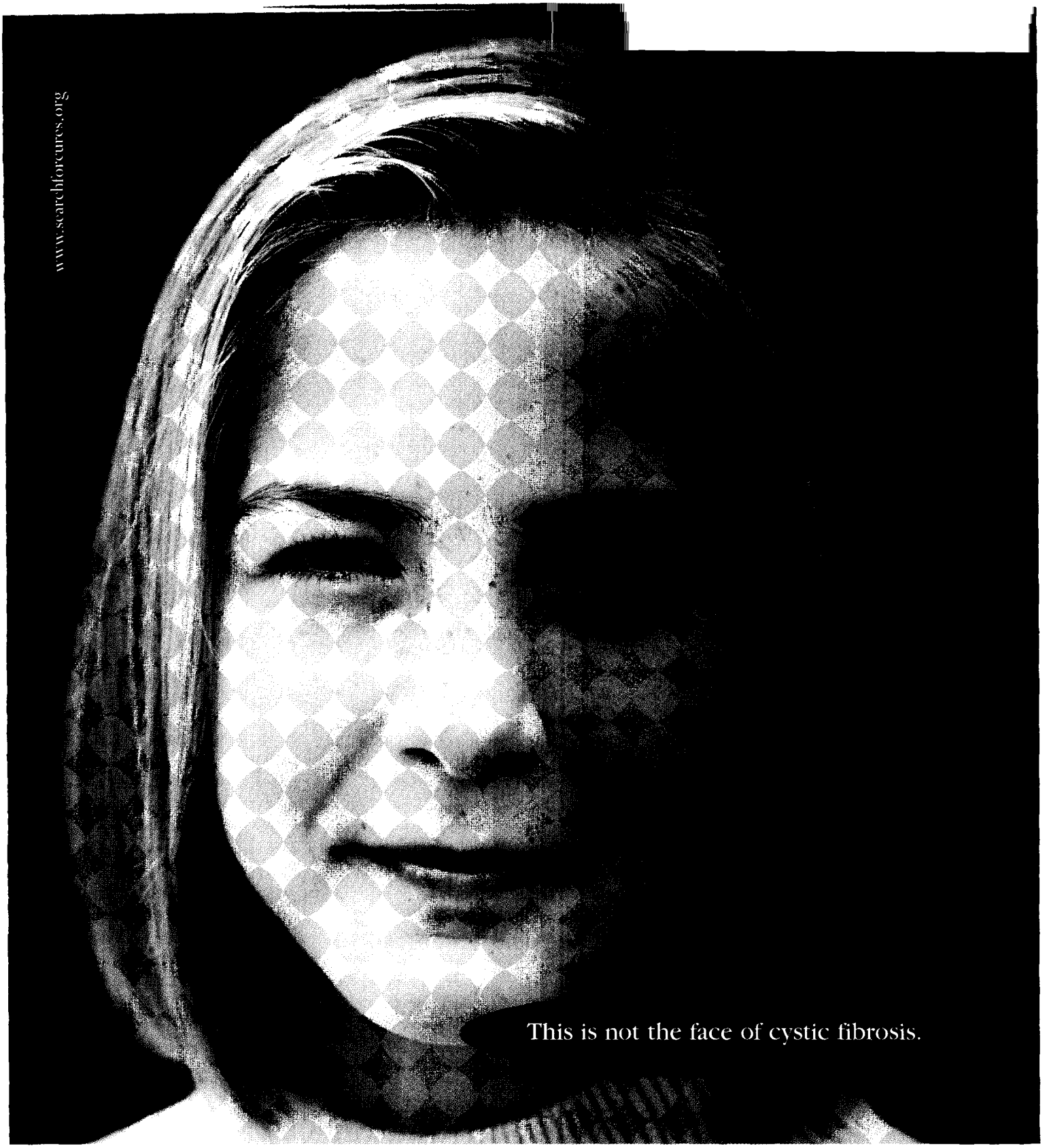

It's the face of Rachel Course, cartwheeler, violinist and an extraordinary kid. She has cystic fibrosis (CF), but it doesn't stop her from doing the things she wants to do. New medicines discovered by pharmaceutical company researchers have helped Rachel, and thousands of other CF patients, go from a life of little hope to one filled with dreams for the future. There isn't a cure for CF yet, but America's pharmaceutical companies get closer every day. So a little girl like Rachel can keep on doing what she does best. Being a kid.

America's Pharmaceutical Companies

Leading the way in the search for cures

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Check Your Playbill

As I understood the script,
W. plays Grant
To McCain's despondent Lee:
Maybe Charley's Aunt
Has been substituted, or
W.'s become
George McClellan—either way,
My bum's getting numb.

—W. H. von Dreele

■ The enemies of national missile defense have seized on a new Pentagon report suggesting that the program is threatened by a "high risk" of failure and warning that current timetables for deployment may slip. Truth is, it is becoming harder and harder to point to actual test failures in the field. Early October, for example, saw a successful intercept above the Pacific Ocean—a watershed moment in the development of missile defense. The new report, though released in the middle of November, was actually written before that October test. Talk about lousy timetables. Still, this is progress: Foes of the program used to say it could not be done; now they argue about how soon it can happen.

■ Last summer, secretary of the Navy Richard Danzig lectured an audience of retired submariners on the need for the service to stop being "a white-male preserve." Danzig's remarks prompted Admiral Jay L. Johnson, the chief of naval operations, to reiterate his opposition to making the silent service co-ed. But now civilian feminists at the Pentagon are recommending that the Navy build its new class of submarines to accommodate female crew members—even though these submarines would be either larger and less maneuverable or have less room for weapons. The administration is, once again, willing to sacrifice combat effectiveness to avoid offending feminist sensibilities, over the objections of the top brass. Republicans should stand up to it. Will John McCain, a Navy hero, have anything to say?

■ Florida governor Jeb Bush has traded his state's system of racial and ethnic preferences in college admissions for something that is arguably worse. Under a November 9 executive order, students will no longer be judged by the color of their skin—a welcome move—but the top 20 percent of every high school's graduates will win automatic admission to Florida's state universities. This is race-norming by another name. Like preferences, it will promote many students to levels at which they cannot compete, hurting the policy's intended beneficiaries. Lousy schools will not have much incentive to improve; at a minimum, one-fifth of their graduates will go to college. Jeb Bush, a leader in the school-choice movement, knows that competition is a key to education reform. His new plan subsidizes failure. This colorblindness is only skin deep.

■ Tighter auto-emissions standards are hard to justify on environmental grounds, since emissions by new cars have already dropped over 90 percent in the past two decades. Still, New York governor George Pataki, a Republican, wants to adopt California's ultra-stringent standards. If New York has an air-quality problem, identifying and targeting the dirtiest cars on the road might make sense. But if New York and Massachusetts (which has announced similar plans) go Californian, automakers may have to redesign their entire fleets: The three states represent approximately one-fourth of the national automobile market. The rest of the country will have to pay for Pataki's environmental preening.

■ First, San Francisco and Santa Monica banned ATM fees. Then banks refused to let non-customers use their ATMs at all. This response to a price control was entirely predictable and justified: Why should banks perform a service for free? The trouble here is not just bad economics. To be able to get money from a wall at one's own convenience is a luxury that could scarcely be imagined 30 years ago. To carp about its price is sheer ingratitude.

■ The Navy had to halt live-fire training exercises on the Puerto Rican island of Vieques when demonstrators camped out on the firing range. They were protesting the accidental death of a security guard on the range last April—the first such death in 58 years of exercises. The dispute has put President Clinton in a tough spot. The Pentagon insists that training must resume for the USS *Eisenhower* battle group to be combat-ready when it deploys to the Persian Gulf early next year. But the president's wife is willing to sink the Navy to curry favor with Puerto Rican voters. Puerto Rican governor Pedro Rossello is in a tough spot of his own, caught between the pro-statehood forces he leads and the pro-independence protesters. A compromise is therefore in the works: Limited exercises will resume in exchange for new economic assistance—as much as $6,000 for each of the 9,300 inhabitants of the tiny island. Gov. Rossello has long emphasized the economic benefits of statehood, and the successful extortion of the Navy will advance his cause.

■ Washington and Beijing have agreed to terms on China's entry into the World Trade Organization. On the merits, Taiwan's application should have been pushed through before China's, and the island's speedy admission now will be a key test of the WTO's legitimacy. But the political case for China's WTO bid is strong. When Deng Xiaoping first opened China's door in the late '70s, he did mainly the easy things: freeing up agriculture, allowing people to open their own businesses, etc. The thornier task of privatizing state-owned enterprises was left undone. The Chinese gambled that the open economy would grow fast enough to absorb the

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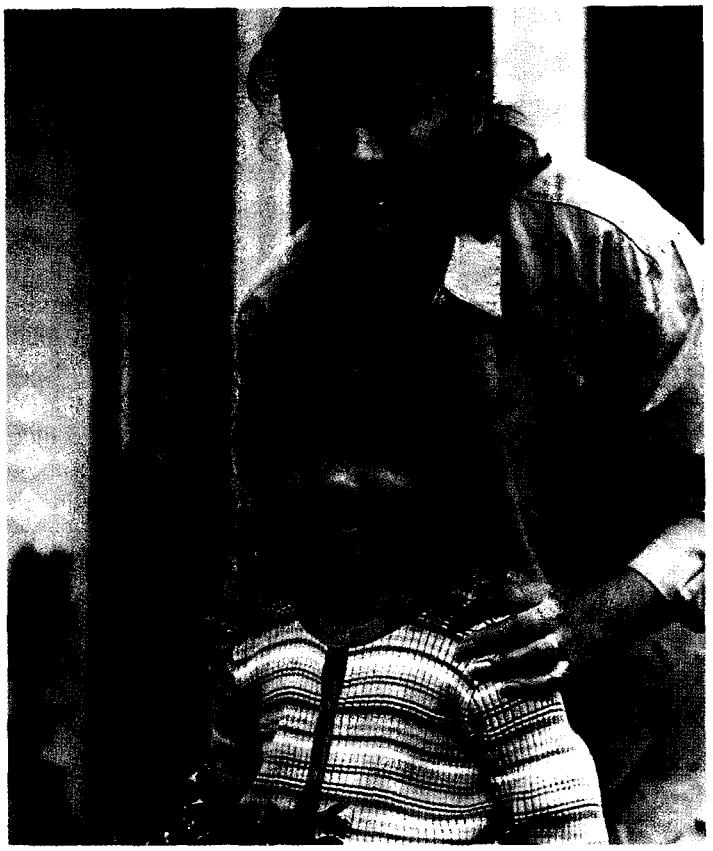

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failing factories and laid-off workers of the state sector, but now they have come to the crunch. Morally bankrupt, with little basis of legitimacy other than economic success, China's Communist leaders know they need to do something about the state sector, but they are taking a huge risk. If they are held strictly to the terms of the WTO, their society becomes much more open. Their bet is that they can keep the lid on. Our bet is that this loosening will take them farther along the road to freedom than they ever planned on going.

■ Melanie Griffith, responding to the regular "If I Were President" feature in *George* magazine, offered sexpot fluff (she would continue to swim nude) and statist pap (national health care, salary caps, a gun ban), then added that the book she would make required reading in her White House would be *Atlas Shrugged*. Perhaps Russell Kirk was right to suggest that most of Ayn Rand's readers go no farther than "the fornicating bits."

THE LAW

Nuisance Suit

THE Microsoft case has produced a split among conservatives, reflecting in part a longstanding division between the Chicago and Austrian schools of economics over the wisdom of antitrust law. Whatever the theoretical verdict, however, the historical record argues for caution in the application of antitrust law. Too often, it has been used to undermine its stated aims—used, that is, to raise prices rather than to lower them, to stifle rather than to promote competition. As Richard A. Epstein argues (page 30), the Microsoft case can be seen as an example of this tendency: Netscape has tried to use the muscle of the federal government to keep Microsoft from threatening its dominance of the browser market.

Judge Thomas Penfield Jackson's "findings of fact" in the case, which went heavily against Microsoft, do not alter this judgment. Jackson finds that Microsoft is a monopoly, one that "enjoys so much power in the market for Intel-compatible PC operating systems that if it wished to exercise this power solely in terms of price, it could charge a price for Windows substantially above that which could be charged in a competitive market." This conclusion is absurd. Note first the exclusion, for no persuasive reason, of operating systems (such as those of Apple and Sun) that are not Intel-based.

Microsoft also faces challenges from Linux and from web-based software that runs on different operating systems. And even if this competition did not exist, Microsoft's ability to raise prices would still be severely constrained by the fact that most Microsoft customers already own some version of Windows. Microsoft has to convince them that upgrading from Windows 95 to Windows 98 is worth the price. In this crucial sense, Microsoft is its own competitor. That's why prices have been declining in every market in which Microsoft has a product.

Microsoft's chief monopolistic abuse is supposed to have been the offer of its browser, Internet Explorer, for free with Windows. This "bundling" undercut the Netscape browser, which was a threat to Microsoft because it raised the possibility that computer users would be able to download programs from the Internet, bypassing Windows. (Never mind that Jackson doesn't count web-based software as a competitor to Windows when he describes the latter as a monopoly.) Bundling does not, however, obviate the need to compete on quality: Other Microsoft tie-ins have flopped, and Explorer itself did not take off until it was improved. Netscape, meanwhile, has managed to survive Microsoft's brutality. America Online bought it for $10 billion a year ago, and together they will control 58 percent of the browser market.

The secondary charge against Microsoft concerns its restrictive contracts. It forced computer makers to take Explorer with Windows, for instance. But computer makers were still free to use Netscape. Promotional deals with other companies were never exclusionary, and are irrelevant to an antitrust case anyway, since nobody alleges that Microsoft has a monopoly on the markets for software advertising or distribution.

The possible remedies here all look harmful, pointless, or both. Forcing Microsoft to divest itself of its application and Internet programs would not address the supposed problem of its operating-systems monopoly. Breaking Microsoft into three baby Microsofts with different versions of Windows would either sacrifice the advantages of standardization or lead to a new "monopoly." Having government micromanage software design indefinitely cannot appeal to anyone. By the time any of these remedies could be put in place, moreover, the market will doubtless have changed beyond recognition.

The Department of Justice should drop this suit, and Congress should review the 100 other antitrust lawsuits the department has brought since 1994, to see whether its hyperactivity is interfering with the competition it is supposed to support.

ACADEMIA

Hillsdale Blues

OUR story, written by John J. Miller, appears below, and gives the narrative of George Roche III, president of Hillsdale College; George Roche IV, his son; and the late Lissa Roche, his daughter-in-law. The suspicion is that there was an irregular relationship between father and daughter-in-law, and that this led to her suicide. The board of trustees and the president acquiesced in an understanding that he would retire and leave the campus immediately, after 28 years of service. William J. Bennett and I agreed to head up a search committee for a new president, but Mr. Bennett withdrew because, he said, he was dissatisfied with the college's handling of the case.

No charges against Mr. Roche III have been filed. Indeed no charges *could* be filed, absent supplementary evidence, inasmuch as allegations have been made only on averments by the stricken widower and his late wife, and there are no witnesses, in sight, to alleged misdeeds.

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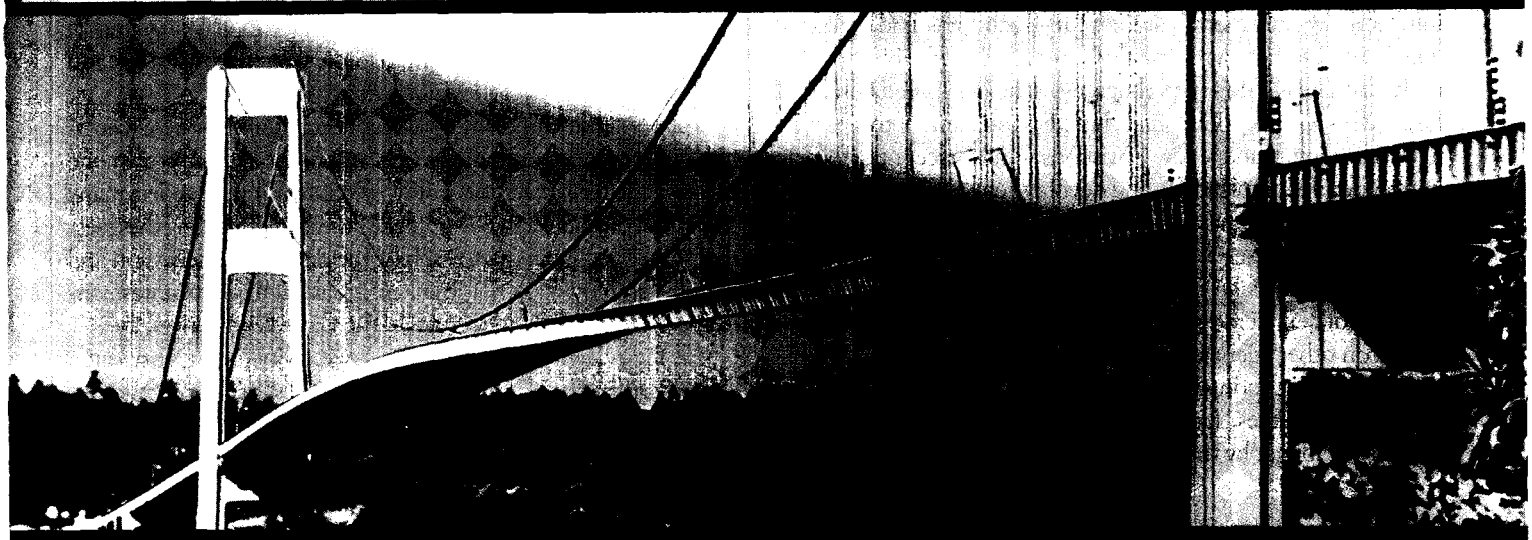

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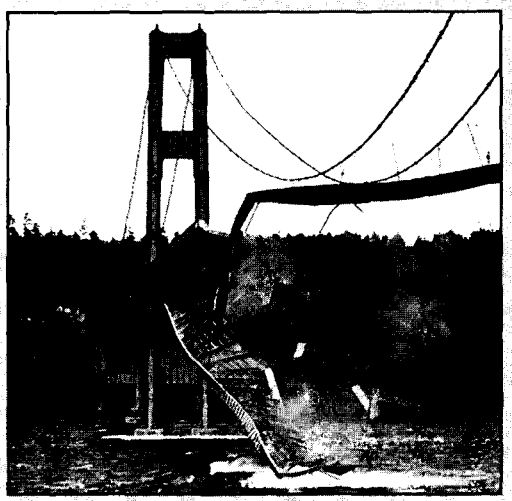

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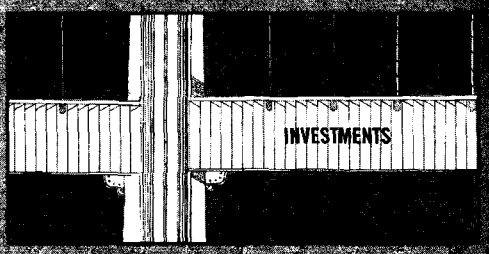

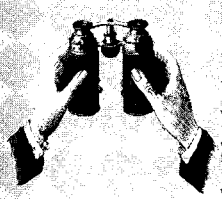

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It is predictable that there will be moral and ideological clucking by those who scorn the very idea of Hillsdale, a college firmly oriented to reverence for the Western intellectual canon, and to American ideals of freedom and individual responsibility. The achievements of Mr. Roche and the high academic standing of the college rankle those who feel that education is insecure except in the hands of academicians and administrators who are intellectually and morally adrift. Mr. Roche has had a distinguished career, he is a practicing Christian, and like his brothers in the faith he is a sinner; perhaps, even, he has sinned here. But he gave his word as a Christian that he is innocent of this particular wrongdoing, and fellow Christians should accept the formal implications of his pleading, and devote themselves—those who feel that America has a stake in the continuing success of Hillsdale—to preserving and encouraging the institution to which George Roche contributed so much. If supplementary information, exonerative or incriminating, develops, the burden will be on other agencies to pursue such information. The pursuit of fine education and transcendent ideals, by Hillsdale, its supporters, trustees, faculty, and students, should not be distracted any longer by this sad, indeed tragic, episode.

—WFB

EUROPE

Iron Curtain Call

THE tenth anniversary of the fall of the Berlin Wall was celebrated, if that is the word, with a certain sourness. Mikhail Gorbachev, meeting with Helmut Kohl and George Bush in Berlin, said, "The world does not appear as we had hoped." Hungarian-born financier George Soros, who has pumped more than $1 billion into Eastern Europe, said, "We had an historic opportunity ten years ago to help these people make a clean break with Communism, and I believe we have failed to rise to the occasion."

The post-Communist world is certainly not what Mikhail Gorbachev had hoped. He wanted a restructured Soviet Union, shorn of restive client states, pursuing its interests under cover of détente with an SDI-less America. It is to his credit that he was unwilling to use overwhelming force when his rivals and his subjects refused to accept baby steps and half-measures; not to his credit that he aimed so cunningly and so low.

What of Soros's complaint? Certainly the condition of the post-Communist world is weak (see David Pryce-Jones's "State of the Bloc," page 36). Among the nations that are least badly off are those that fell under the yoke latest and threw it off first: Poland, Hungary, the Czech Republic, the former East Germany. Except for their proximity to Russia, the Baltic nations are similarly favored. Bulgaria and Romania are worse, while the pieces of the former Soviet Union (and the former Yugoslavia) witness a footrace between gangsterism, crazed politics, and ethnic warfare on one hand and the stubborn building of private activity (as in Russia) on the other. Some Communist states that seemed on the verge of change in 1989—notably China—have their politburos and their prisons still.

The ragged record is attributable to differences in history and culture. It is also owing to the lack of thought on the part of many of the men who made the velvet revolutions. These were not Lockeans in Philadelphia, or Rousseauians in Paris; those revolutions were guided by ideas, right or wrong. The deadly drift of thoughtlessness can be tracked most tragically in the career of Boris Yeltsin. The United States contributed its mite to this confusion by the unusually tongue-tied leadership of George Bush. We did not seem to know what we hoped for, and did not articulate victories when they came.

But our letdown now is also a function of unrealistic expectations. Any victory, even the greatest, is only one triumph over one thing. It never repairs the world, or nature. Yorktown left many questions of republican government unsettled, including the question of slavery. Appomattox solved the problems of secession and slavery, but could not, of itself, ensure wisdom, high statesmanship, or whatever else the critics of the Gilded Age longed for.

All men can win is another chance. Nineteen eighty-nine, and its sequel two years later in the Soviet Union, gave the world a chance to proceed free of a great incubus. We clear our ground, and await the next challenge.

OBITUARY

Lloyd H. Smith, R.I.P.

LLOYD HILTON SMITH was one of the guests at a party in Beverly Hills in 1953, given in honor of Judy Garland. I was taken there (age 26) by Morrie Ryskind, the comic playwright who did most of the Marx Brothers pictures and was now, above all, a committed conservative. Ryskind knew Lloyd Smith, a Texas oilman, and thought him a possible subscriber to the start-up funds Ryskind had devoted many nights to helping me to raise: Objective, to float National Review, Inc., in 1955.

We became close friends and over the years saw each other frequently, in Houston where he lived until the death of his wife, Elizabeth, with whom I would do the Canadian Air Force Exercises in their living room; and, subsequently, in Southampton and Palm Beach.

He had been the editor ("chairman") of the *Yale Daily News* twenty years before me, and we had that among so many other interests in common. He was almost paralyzingly soft-spoken and given to long hesitations before completing a sentence, let alone a thought. He was much taken by the possibility of buying the *Washington Star* in its closing years, to put up opposition to the *Washington Post*; but the deal never came through, and then there was the happy birth of the *Washington Times*.

Lloyd Smith, grievously crippled in his last years, had been a vigorous athlete and used to challenge me to a steeplechase, an event that never took place, and was not again mentioned when his legs finally broke down. He served twenty-five years as a director of NATIONAL REVIEW. We extend to his four daughters our sympathy, and our re-expressed gratitude for his contributions and for the pleasure of his company.

—WFB

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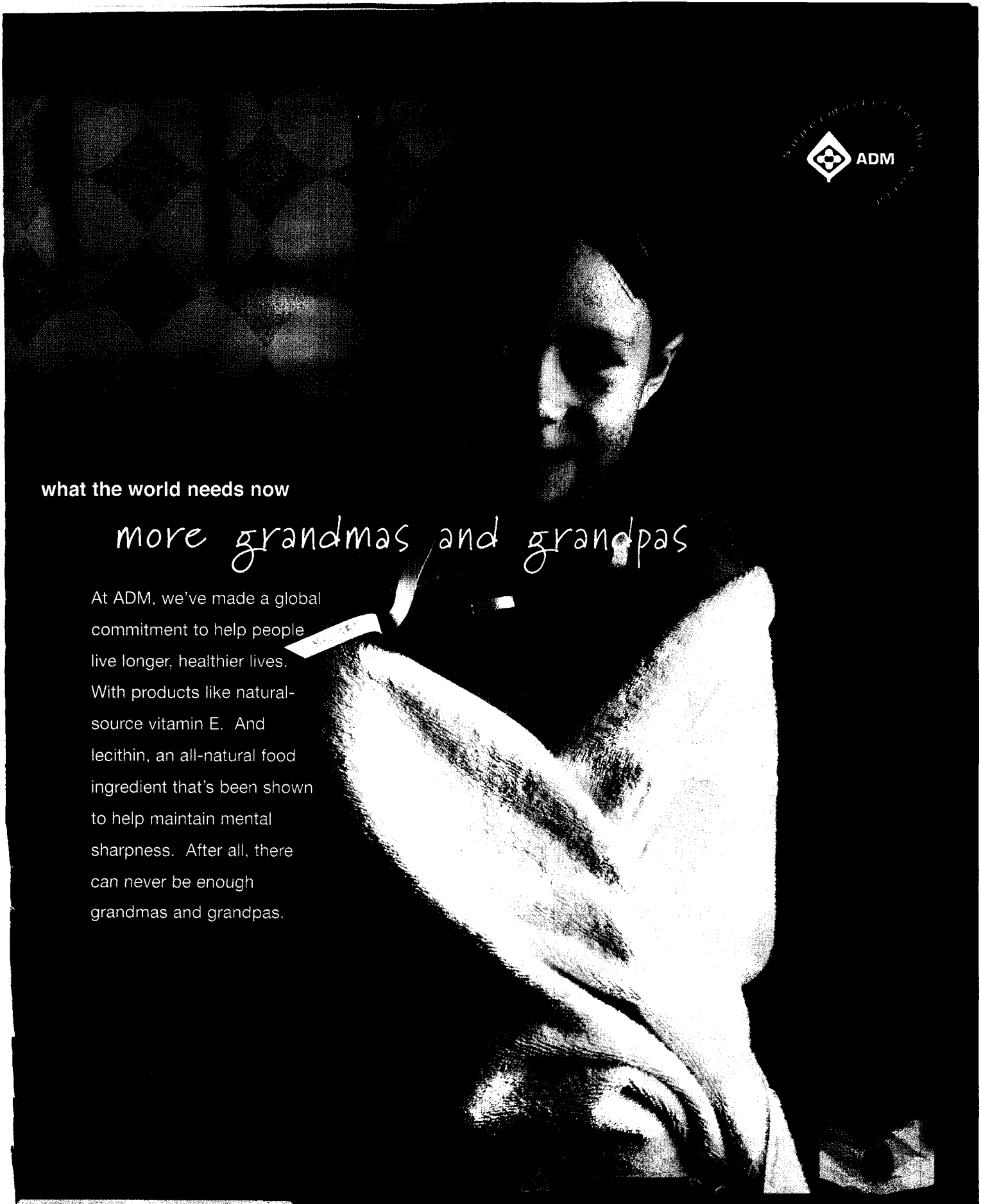
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■ Memo to:WFB
From: Dorothy [McCartney]

Did you spot the obituary today [*New York Times*, Nov. 7]: ***Demetrio Lakas, 74, Panama Leader Who Had Role in Shaping Canal Pacts***? I think our readers would enjoy your confrontation with him in 1976.

Dorothy: Thanks. I enjoyed it myself. Herewith [from *On the Firing Line:The Public Life of Our Public Figures*, Chapter 3]:

The Impossible Guest

People are curious about the Impossible [*Firing Line*] Guest. There was the impossible young man who ended up running Bertrand Russell's political life in milord's dotage. I could name, but won't, the guest whose entire knowledge of life filled eight minutes, so that when the ninth came along, he simply recycled his *Weltanschauung* for the next eight minutes.

But there is the different Impossible Guest, namely the person who refuses to say anything, anything at all; and seeks to be ingratiating. What follows comes very close to being a Las Vegas comedy skit.

It was September 1976 and I was in Panama to examine the heated question of a prospective Panama Canal treaty. I arrived there believing wholeheartedly that no such treaty as was contemplated should be undertaken. After five days, I changed my mind.

It is not difficult, in Panama, to Talk to Everyone, since Everyone, meaning the people who run the country, comes down to about twelve people. Yes, I exaggerate, but I talked to Omar Torrijos, the strongman who did run the country, talked to him in his little house surrounded by bodyguards. I talked to the archbishop of Panama, an American. I talked with the ambassador, and with his staff. I talked with all the generals and the admirals. I talked with Panamanian Americans who worked on the Canal. With journalists, native and American. And with Panamanian intellectuals. And no one can dispute that I talked with the president of Panama.

We did two *Firing Lines* in Panama City on the fifth day of my stay and learned to our distress, late on day four, that the second scheduled guest for the following day—the ambassador—had been re called suddenly to Washington. Who to substitute? A deputy at the embassy said, Why not President Lakas? Lakas had gone to school in Texas and spoke perfect English. Granted, anyone serving as president, with Torrijos around, was merely a figurehead. But an hour with the president of Panama, we all agreed, would be a useful hour. Could we get him? This proved gratifyingly easy. At first the hour we gave him for the studio was no good be cause of a cabinet meeting. He called back to say that he had altered the hour of the cabinet meeting in order to oblige us.

It was the longest hour of my life. You will see. No, not entirely, because no one could endure in print a transcript of the entire hour, and it is hard to imagine that any viewer stayed tuned in for the entire hour. But I was forced to. Herewith a specimen of what can happen on television when the time that needs filling is inflexible.

WFB: [*Standing alongside a lock of the Canal*] This is William F. Buckley Jr. We are at the Panama Canal, at the Pacific entrance to it. You can see behind me a Greek bulk carrier. It is part of the traffic that runs through the Canal, and has since it was completed in 1914. As we know now, there is considerable controversy having to do with the future of the Canal and the question of who will administer its future. The guest today will be the president of the republic, Mr. Lakas.

[*Back in the studio*]

In 1968 General Omar Torrijos took power here in Panama, but he was satisfied to name himself chief of government, which he remains today. In 1969 he appointed, as chief of state, Demetrio Basilio Lakas. President Lakas, under the new constitution, was elected in 1972 to a six-year term, and he remains therefore president of the republic of Panama until 1978.

President Lakas is a Panamanian of Greek descent, who went to Texas to college. There, at several universities, among them Texas Technological Institute, he became an engineer and an architect, returning in due course to Panama to practice his profession. He vows that one day he will return to engineering and architecture; meanwhile, he is chief of state of Panama during the most exciting period of its recent history, when the renegotiation of the famous treaty of 1903, signed with the United States, is in prospect. His special skills and his knowledge of America are a considerable national resource.

I should like to begin by asking President Lakas whether he would anticipate, in the event of American disengagement, some kind of a defense treaty with the United States.

President Lakas began immediately to postpone accosting any question that would require him to make any statement that might be interpreted as provocative.

Lakas: First of all, thank you for all of those nice things you said, and I first of all want to thank the American people for being nice and letting me go into their living rooms through this television set and be able to expose part of my ideas, the way I see things, whether they are right or wrong. They'll be the judges, but at least the way I see them. I would appreciate it very much, Mr. Buckley, if you would repeat the question.

It was too early to panic, but I sensed that we were off to a pretty sluggish start.

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WFB: Yes, sir. I was wondering whether you anticipate, in the event that an abrogation of the 1903 treaty is completed, that there would be a defense treaty of some sort between your country and mine.

Lakas: Things are so hard today, and the way things are shaping, we look like we ought to have a treaty in a very brief time. The United States has named a good team of men, and we have done the best we can in choosing the people we have for participating on behalf of a million and a half citizens in order to get there and work out a treaty that would be equitable to both countries. And it wouldn't work if it's balanced one way or the other. I am sure that, as well as myself, everybody else would this moment avoid trying to predict what will happen after the treaty. But it stands to common sense that in the treaty there would be a subject talked about and conversed, before any kind of treaty is signed.

The president having said exactly nothing, I tried again.

WFB: Well, let me ask you this, Mr. President. [*Sometimes I deliberately stretch out a question when I think my guest needs a little time to put himself together. As follows:*] It is, as you know, increasingly an American suspicion that explicit acts of friendship between Latin American countries and the United States are somehow unfashionable, that the public rhetoric in Latin America requires a certain anti-Yankee flavor. Now, would it be considered by other Latin American countries as somehow undignified for Panama to restore a defense treaty, having got rid of it during the revisions of the 1930s?

Lakas: That is a really long question, Mr. Buckley, but I'll try to see if I can remember everything and try to cover it all for you. Let's start first about Latin Americans disliking the United States. Couldn't this just be an attitude brought up by people who are not friends—

I couldn't believe it. Was he actually going to deny *the existence of anti-Yanquism? I mumbled—*

WFB: I think that's true, yes.

Lakas:—of the Latin Americans and of the United States, that have created this attitude which really does not exist? And I can prove it to you. I can prove to you that the United States of America and Panama have been true friends for 70-odd years, regardless that Panama's always tried to get a fairer deal with the United States. And the United States has had people who have worked on it and have made it a little better and advanced from different treaties that we've had so far. I have all the faith in the world in the American people. I believe in the American people. The General [Torrijos], every time he talks about the people of the United States, he talks positively and nice about them.

Having spent an hour and a half with the general only the day before, I knew that talking positively and nice about people simply was not his specialty. Besides, Torrijos had manhandled a number of U.S. politicians and spokesmen. I tried to elucidate.

WFB: You mean the people as distinguished from their leaders?

Lakas: Not necessarily, because I really don't believe that the government of the moment determines the people. I don't. I really don't believe much of this here "leaders," because to be frank with you, no one man can run any country in the world.

Since this was unintelligible, I thought I might just as well go along.

WFB: I agree, yes.

Lakas: So I think we all form part of a government, and we are all liable for that government. It just so happens that it is so easy to say when things go wrong, "I had nothing to do with it. This leader is to blame for it." When everybody else is there pushing, shoulder by shoulder, no one man can run a country, so how could one man be responsible for it?

I was approaching desperation. I backed up, and tried again.

WFB: Well, that's true. No one man should be expected to be responsible for all the policies of a government. But it is true, I think, that especially in the academic classes of Latin America, being anti-gringo is a sort of an international sport, isn't it?

Lakas: I wouldn't say that. A person has to attend—first let me start this way to say, even though countries are countries, I work with, and move around with, people, human beings. Have you ever been to a party, a Latin American party, since you were in Mexico?

WFB: Sure.

Lakas: Have you ever seen the word *piñata*? You know what it means?

WFB: Yes, sure. You hit them and everything falls apart.

Lakas: Then what happens?

WFB: Well, the candies and the stuff—I don't remember.

Lakas: What happens? Everybody grabs a little bit, right?

WFB: Yes.

Lakas: All of a sudden somebody grabbed a bunch, a whole bunch of it, and there's a bunch of them just staring at him, watching him. All of a sudden what happens? They jump up. They jump on him, and they try to take it away from him.

WFB: Yes.

I can only suppose that this "Yes" sounded positively feeble.

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Lakas: That's human nature. But our folks teach us education, send us to school, and we learn we have to respect things that belong to others, and we should try to get there and fight for them to get some for ourselves. I would say it is just human nature. Then I guess that's what the great president of the United States tried to say when he said that we have to help the most, so the few of us who have a lot doesn't lose it all.

Might I provoke him by reciting from the litany of U.S. aggressions, as repeatedly adduced by the Panamanian treaty negotiators?

WFB: Well, but the position of your government and of your negotiators, if you meditate on it, is really grounds for a considerable historical resentment of America. If you believe everything that your negotiators say, then the United States is guilty of having forced you into a treaty without your consent, taken historical advantage of you, exploited your principal natural resource, being indifferent to expostulations by you to revise the treaty, dragging our feet unconscionably over a period of seven decades. If all of this is exactly correct, why *shouldn't* there be a considerable Panamanian resentment of the United States?

Lakas: Even if all that *was* correct, which I doubt it is, I will tell you something. Our people have shown those who are Americans and lived among us that our people didn't hurt one single American in Panama. Will not then you think that there are true friends among our people, and that we really do *love* each other, and that maybe politics, sometimes for internal combustion, is something else? What do you say? Couldn't it ever occur?

WFB: In other words you think that the anti-Americanism that comes in over the media is fabricated for the purpose of political effect?

Lakas: I don't know whether there is any of that going on. Because if it's all—

WFB: Well, what do you call it when they burn in effigy the principal press officer of the Canal Zone?

Lakas: Now, I didn't quite get what this—if you'd just allow me a minute to explain to you what I was trying to tell you. I was trying to tell you that there is no other country in the world where the United States will find friendlier people toward them. Seventy years of not even an intent of sabotage to the Canal. Declaration of war on Japan before the United States did in the World War—all these gestures. Why do they want to charge me if once I went to a saloon and had a drink? What about all the milk shakes I drank? Why just this once I had a drink in a saloon? This is what occurs.

WFB: Well, I think that your analogy, which is very charming, is a little bit like the man who was up for murder in Ireland and offered to produce 30 people who hadn't seen him murder the girl. Inevitably what attracts attention is that which is unusual, not that which is usual, right? Now, there certainly aren't riots in Panama every day, God knows, but you wouldn't expect that a riot in Panama would not be noticed, would you?

Lakas: You know what I enjoyed about your word?

WFB: What?

Lakas: About this "usual." It means that good relations *are* the usual thing among Panamanians and the United States.

WFB: Right.

Lakas: *Right?*

WFB: Right.

Lakas: Thank you, that's what I'm saying.

WFB: Yes.

Lakas: We agree on that.

WFB: Well, for one thing it would be physically exhausting to riot every day. There hasn't been, let's say, a Polish riot against the Soviet Union since 1966. The one before that was ten years earlier. But we can assume that between '56 and '66 there was considerable resentment on the part of Poles to Soviet occupation.

Now, question: There must be very considerable resentment by most Panamanians over the 1903 treaty. What does that generate? Does that generate animosity toward the United States, or does it not?

Lakas: But I don't think the word to use, sir, is resentment. I mean the word to use is, people are hurt. But they're not angry at the United States or at the American people.

You've been with us how many days down here in Panama? Have you noticed somebody treating you out of the ordinary, I mean being ugly toward you? Looking at their face and they're turning around to look at you as a dog-gone gringo? No.

WFB: Maybe they don't know who I am.

Lakas: Those blue eyes. You sure don't look very Panamanian.

I had fifty-seven minutes and twenty seconds of this with President Syrup. But what truly astonished was the very last lines of the program. He sat there, pudgy and smiling throughout the hour. And then the very last lines—I indicate where the camera and sound went off:

WFB: But it's true that General Torrijos went to Castro's Cuba and signed a friendship pact with him, isn't it?

Lakas: Yes, it's true we feel we have to get along with everyone [*camera, sound off*]. And as far as I'm concerned, Mr. Buckley, I just as soon fuck Castro as sign a treaty with him!

He had risen the moment the camera went off, but continued talking in what, I learned, was his normal, off-camera idiom. —WFB

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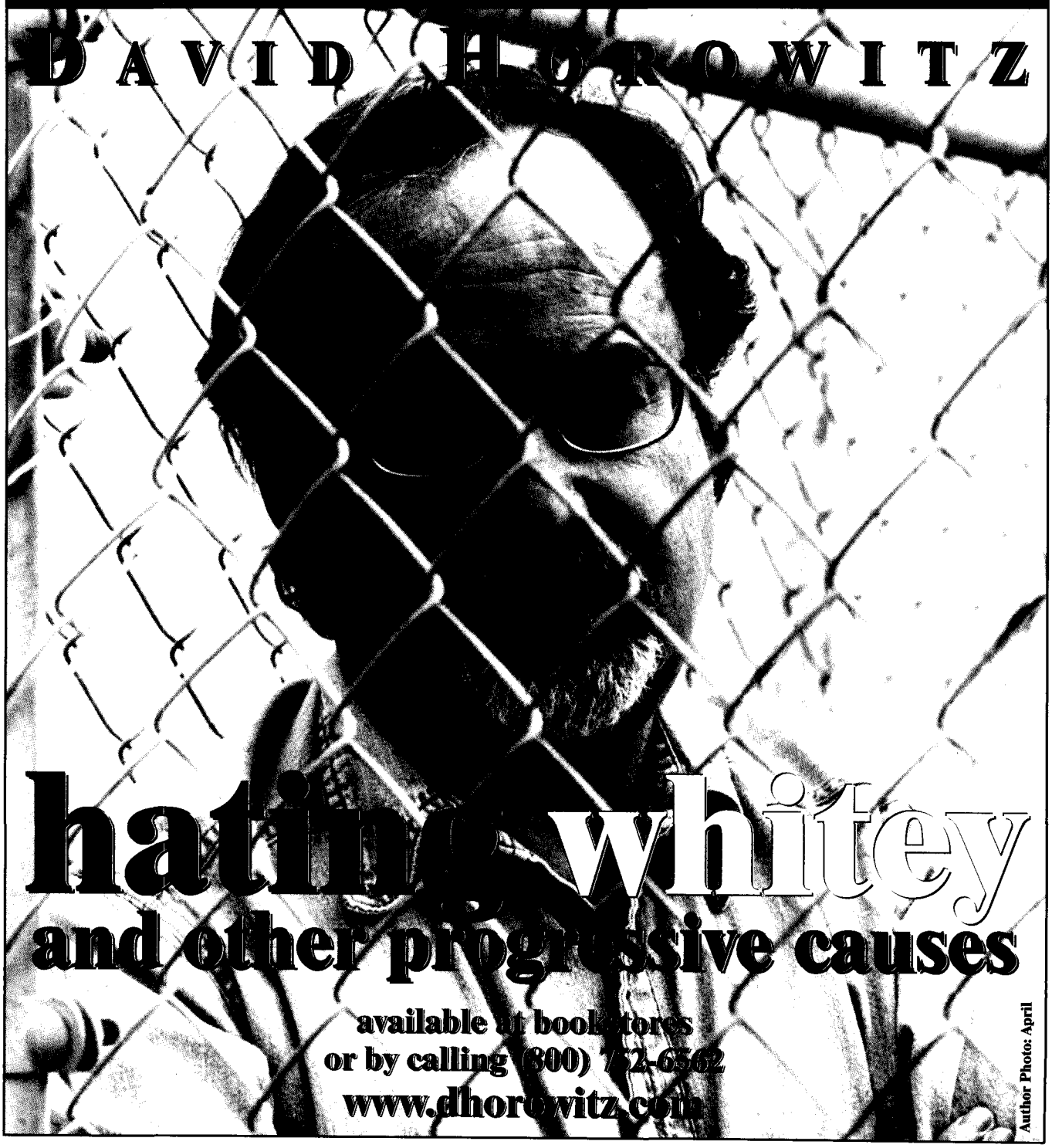

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■ CAMPAIGN 2000 ■

A Plan for Bush

Let Freedom Accounts ring

RAMESH PONNURU

IT'S a good rule in politics to look at what voters do rather than what they say to pollsters—let alone what reporters say they're thinking. The reporters, and some of the polls, say that tax cuts are no longer a winning issue. The election results say otherwise.

In Washington State, 58 percent of voters defied the governor, the teachers' unions, and the corporate establishment to abolish the car tax and to make any future tax increase contingent on voter approval. Taxes to fund stadiums went down to defeat in Minnesota and Houston. In Virginia, Republicans took control of the legislature for the first time ever, partly because they had delivered on the tax-cut promise that swept Gov. Jim Gilmore into office two years before. There's a reason Bill Clinton and Al Gore denounce Republicans' "tax schemes" and not their "tax cuts" or "tax relief": Reducing taxes is still popular.

George W. Bush's campaign certainly thinks so. It plans to unveil a tax-cut plan in the next few weeks. By coming out with a plan this early, Bush hopes to avoid a repetition of previous Republican mistakes. His father's tax increase both crippled his reelection bid and undermined the GOP's credibility as a tax-cutting party. Bob Dole, a tax-cut skeptic for much of his career, was hardly the man to restore that credibility. When he half-heartedly proposed a 15 percent across-the-board tax cut just three months before the 1996 election, voters saw it as a campaign ploy and yawned. Dole confirmed their impression by quickly shelving the idea. Bill Paxon, a former Republican congressman who now advises Gov. Bush, points to the Dole example and says, "This is why it's important to have a consistent long-term message that we're for lower taxes."

Bush's advisers also know that not all tax cuts are equally salable. Coming up with the specifics has taken months.

George W. Bush by Roman Genn

Comprehensive tax reform along the lines of the flat tax or the national sales tax was never seriously considered. Also rejected was a favorite idea of supply-side ultras: rolling back Clinton's 1993 tax increase by eliminating the 36 percent and 39.6 percent tax brackets. Tax cuts don't have to satisfy Dick Gephardt's standards of egalitarianism to win public support, but they do need to offer tangible benefits to most people.

What about cutting taxes for the poor, then? That might seem to be the compassionate conservative policy, but it's not as easy as it sounds. Democrats would denounce a payroll-tax cut as a threat to Social Security. And poor people don't pay much in income taxes. Taking still more people off the tax rolls might look good today, but it creates political headaches tomorrow: People who pay next to nothing for big government are easy pickings for the tax-and-spend party.

Besides, Republicans can't afford to keep ignoring their political base. Misguided concerns about cost and fairness have led them to pass tax cuts that leave out higher-income families. But in 1998, 24 percent of voters lived in households making more than $75,000 a year. Their support for Republicans fell by 7.5 points, a devastating loss.

The Reagan approach—a 30 percent across-the-board cut in marginal tax rates—is a simple way to offer tangible benefits to most people. But the world has changed since 1980, and because of Reagan. Back then, the top tax rate was 70 percent and the economy was stumbling from stagflation to recession. Voters were ready to go for growth. Today, high marginal tax rates on labor income aren't such a big problem, and voters' goals are different. Cutting tax rates is still a good idea, but a tax-cut plan can't be so simple as the Reagan method.

Instead of the one big problem Ronald Reagan faced, the next president will inherit a tax code that causes a lot of little problems: It's too complicated, it discourages savings, it breaks up family businesses, etc., etc. A tax-cut plan should address these concerns. It should eliminate the estate tax. It should abolish the alternative minimum tax, which was originally designed to punish corporations that were exploiting too many tax loopholes, but is now making April 15 extra-miserable for many middle-class families. It should also repeal the tax on Social Security benefits, which discourages the elderly from working, at a time when their numbers are growing.

For conservatives, one of the biggest of the tax code's little problems is that it takes an ever larger share of the national income as prosperity moves people into higher tax brackets. A Republican tax plan should include Georgia senator Paul Coverdell's idea to put millions of middle-class Americans back in the 15 percent tax bracket. This can easily be done in a way that eliminates the marriage penalty for both two-earner and one-earner couples. Tax brackets can also easily be indexed to keep this form of bracket creep from recurring. (There go a dozen liberal spending initiatives.)

Lawrence Lindsey, Bush's leading economic adviser, has been trying to find a way to fix one of the tax code's defects of compassion: The phase-out of subsidies such as the earned-income credit creates high implicit marginal tax rates on the working poor. (A dollar's worth of extra

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work leaves them much less than a dollar ahead, because their benefits decline.) It ought to be possible to overhaul the dependent exemption and the main tax credits—the per-child credit, the credit for child care, the earned-income credit—in a way that rewards work, eliminates the marriage penalties in some of these programs, and simplifies the code.

Put all these policies together and they make a solid plan—but not yet an inspiring one. The tax plan of a presidential candidate needs a dramatic centerpiece. If anyone in Austin would care to know, here's my nomination: Freedom Accounts. This was the best idea out of Dan Quayle's short-lived campaign, though it got no attention. These accounts would let anyone—with no limits on income—set aside up to $10,000 a year in a tax-sheltered fund and invest the money to finance health-care expenses, first-time home purchases, children's education, parents' long-term care, or retirement.

Americans are increasingly able and eager to invest their own money, and these are the purposes for which they do so. By happy coincidence, they are also the issues President Clinton has used to keep Republicans on the defensive. Republicans, including Gov. Bush, have tried to respond with pro-investment policies such as educational savings accounts, medical savings accounts, and the like. But the individual items have struggled for public attention, and they have never been put together as part of a coherent strategy.

Freedom Accounts would be socially conservative (parents could use them to finance parochial-school tuitions) and economically conservative (the multiple taxation of savings would be reduced). They would simplify the tax code by junking the contribution limits, eligibility requirements, and other restrictions on existing IRAs. Freedom Accounts would also be compassionate—and we have Gov. Bush's word on it. In one of his riffs on the meaning of "compassionate conservatism," he explained, "It is conservative to cut taxes. It is compassionate to help people save and give and build."

Freedom Accounts would also be popular with the investor class, now 80 million strong and growing. There aren't many data on this issue yet, but in a 1997 survey by Paine Webber the idea of unlimited IRAs had off-the-charts support among investors both small and large. The flat tax, cuts in the capital-gains tax, and Clinton-style targeted tax credits were far less popular. Moreover, Freedom Accounts would prepare the electorate for free-market reform of Social Security—a program that could otherwise wreck Bush's second term as president. (Indeed, Freedom Accounts would make Republicans' lives easier when it came to regulation, reining in lawsuits, and the economic agenda generally.)

It makes no major economic difference whether contributions are taxed or withdrawals are taxed. Taxing contributions leaves current revenues unaffected, which appeals to budget planners.

■

A presidential candidate's tax plan needs a dramatic centerpiece. My nomination: Freedom Accounts.

■

Think-tank maven John Hood believes that withdrawals should be taxed instead, since that approach would give benefits to young families and leave the tax on older folks who are better equipped to lobby against high taxes. (If they can't decide, the Bush folks could always go half-and-half.)

The important consideration for Republicans as they head into 2000 is that they make clear they are on the side of the new investors. Earlier this year, Clinton proposed "USA Accounts"—like Freedom Accounts, but funded through tax credits. It was a cynical bid for the support of small investors. Clinton never even proposed legislation. But Al Gore could revive the idea at any moment.

Revenue projections are notoriously inaccurate, but it's quite reasonable to think that the Feds could effect all of the above-mentioned tax cuts while giving up only around $2 trillion in revenues over the next ten years. Over the same period the government is expected to spend more than $20 trillion. Surely Gov. Bush can find a way to trim the budget by 10 percent. **NR**

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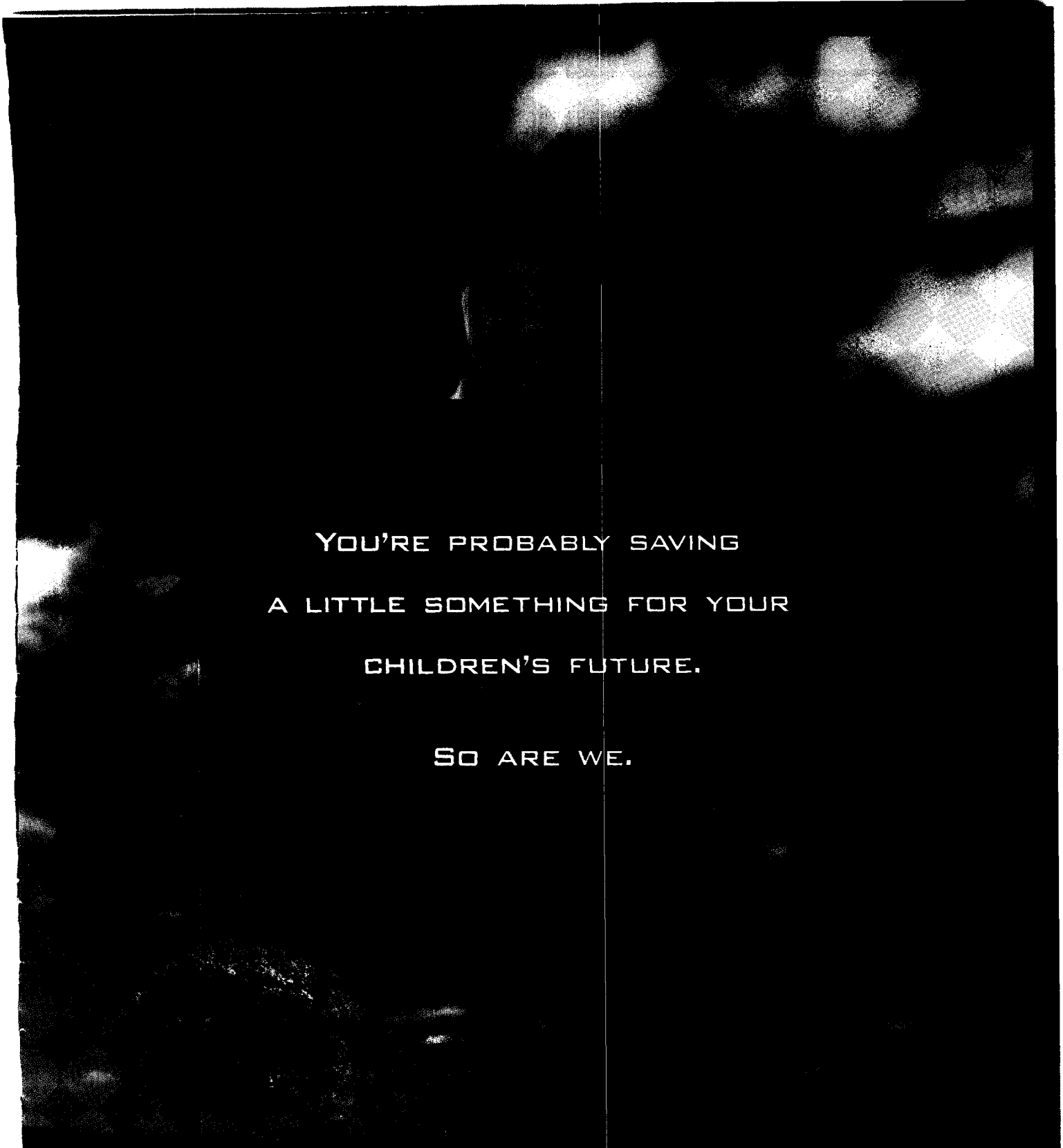

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■ CAMPAIGN 2000 II ■

In the Arena

Bill Bradley returns to Madison Square Garden

JAY NORDLINGER

New York City

TWO of the presidential candidates are said to be having their Moments at the moment: On the Republican side, it is the McCain Moment; on the Democratic side, it is the Bradley Moment. And here in Madison Square Garden, Bill Bradley is Moment-ing his heart out.

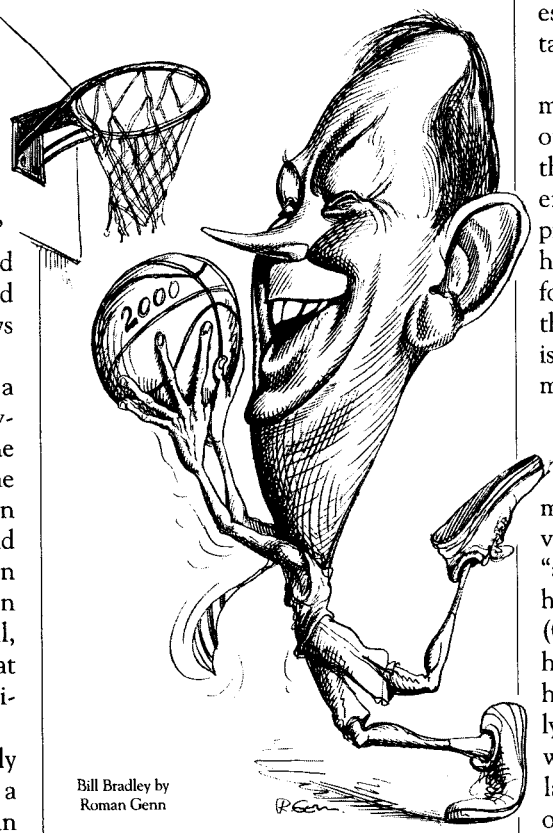
Bradley is staging a most unusual fundraiser, surrounded by some of the greatest legends in the history of basketball, plus a few stray celebrities from other fields. The former New York Knick is, as his promotional material puts it, "Back in the Garden," and the event is dubbed—rather cutesily for so self-consciously serious a campaign—"Hoopla." Roughly 7,500 fans, of both Bradley and basketball, have paid up to a thousand dollars to be here; the campaign says that it will raise about $1.5 million.

The day, a Sunday, has already been a success for Bradley. In the morning, several of the legends fanned out onto the three big political talk shows: Earl "The Pearl" Monroe and Willis Reed were on *This Week*; Julius Erving (Dr. J) and Oscar Robertson (The Big O) were on *Face the Nation*; and a couple of Boston Celtics, Bob Cousy and Bill Russell, were on *Meet the Press*. Message? That none in the land is so pure, so intelligent, so visionary as Bill Bradley.

This basketball stuff is a relatively new tactic for Bradley. For years, as a senator, he kept the game and his role in it at arm's length; he wanted to be thought of as a man of state—and a deeply thinking one at that—rather than an athlete. But, as can be seen from the "NBA action" on the floor, all of that is behind him now. He has greedily re-embraced the game, and the game him. Political analysts say that Bradley is doing exceptionally well among middle-aged men in the Northeast—those who remember him from his glory days. Bradley thus enjoys, in a way, the best of two worlds: He thinks and talks like Barbara Boxer, therefore appealing to the Left; and he has a background that appeals to men who would only snort at Boxer, the San Francisco Treat.

Our emcee this afternoon is Robin Roberts, a sportscaster for ESPN. She is, in a sense, a journalist, and it's not every day that a journalist hosts a fundraiser for a political candidate. What was she thinking? Or, better, what was her employer thinking? She kicks things off with a smooth little political speech for her man, peppered with tributes to "hard work," "sacrifice," and such.

Then the stars are introduced, basketball-style, with each player leaving the bench and moseying to center court. Electronic music is pounding, in a long, horrible, seat-shaking vamp. There is



Bill Bradley by Roman Genn

Kareem Abdul-Jabbar, the tallest of the group. Other players include Nate "Tiny" Archibald (who really is, comparatively), Dave Bing (the former Piston who used to be thought of as a potential mayor of Detroit), John "Hondo" Havlicek (who is a Bradley campaign co-chairman in Massachusetts), K. C. Jones, Moses Malone, Wes Unseld, and Bill Walton. Dr. J—not even a Knick—receives the loudest ovation. You wonder on what other occasion so much basketball talent has been assembled in one space. At Hall of Fame functions, perhaps. (At least Orrin Hatch can comfort himself with the enthusiastic backing of "The Mailman," Karl Malone, of the Utah Jazz.)

The non-athletes are a puzzling and motley bunch: Spike Lee is here, of course—no Garden event is complete without the irksome presence of this self-adoring little mascot. There is the actor Harvey Keitel, whom Kareem towers over. There is the pop musician Bruce Hornsby. There is Ethan Hawke, the young, intense-appearing actor who sometimes sports a scraggly goatee and shacks up with the lissome Uma Thurman. And, very strangely, there is LeRoy Nieman. Do you remember him? He's the painter of garish sports canvases, with the first-class handlebar mustache.

At last, Robin Roberts introduces the man of the hour, lauding him for, among other things, his "intelligence." This is the first of what will be countless references to Bradley's putative mental prowess. The vamping finally comes to a halt, and Bradley actually gets a melody for his entrance: It sounds like the theme song from *Charlie's Angels*, which is just fine, seeing as we are all in a retro mood.

It falls to Bill Russell to deliver the "Concept of the Day." He recalls that he first met Bradley after the young marvel had returned from his (much-vaunted) stint as a Rhodes Scholar: "and I questioned him some about the history in Africa of Cecil Rhodes." (Grins and laughter.) Because Bradley had attended Princeton, "we figured he had brains." And, on the court, he surely had discipline, "because, as slow as he was, he *had* to have discipline." (More laughter.) But, above all, Bradley, a man of near-inconceivable high character, "believes in always telling the truth to the American people." At this, the candidate nods solemnly and appreciatively.

Bill Russell has delivered a really lovely and graceful little speech. Russell for President!

It is now time for the first of the afternoon's "roundtables." The stars sit on

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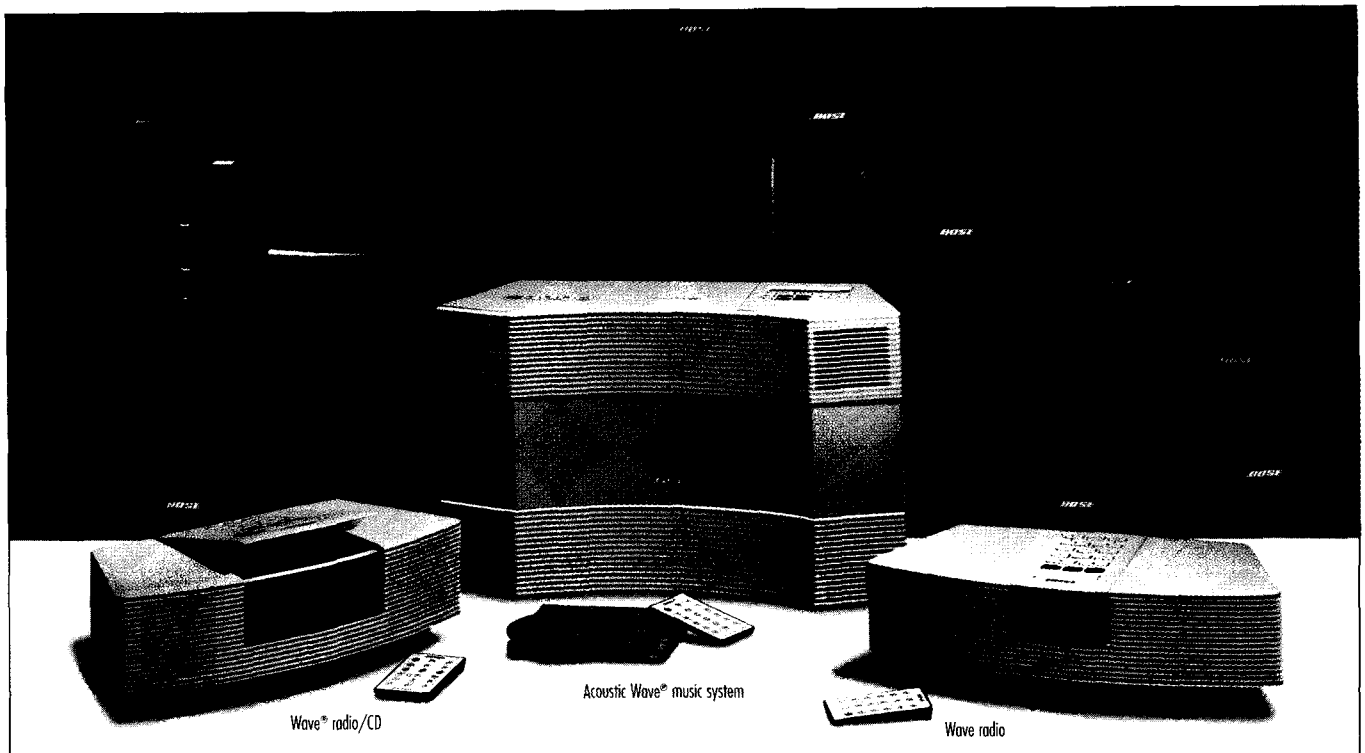

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stools in the middle of the court, and Robin Roberts prompts them to wax laudatory about Bradley. This is not unlike the (dreaded) interview portion of the Miss America pageant. John McEnroe is on this panel, and he makes one of the great statements of the day. Asked to comment on the importance of teamwork, he says, "Hey, I'm a tennis player, so I'm out there by myself." Can you imagine McEnroe voting Democratic? He is a brash, individualist, libertarian Republican if there ever was one.

After McEnroe duly hails Bradley as "extremely intelligent," other legends run through the day's platitudes and paeans. Havlicek (a delight) laments that, whatever Bradley's speed, "you couldn't outsmart him." Nancy Lieberman, one of the game's super-chicks, practically weeps at the memory of all that Bradley did to enact Title IX. Dick Barnett, a former Bradley teammate, speaks of the "racial powder keg" that a President Bradley, so "racially sensitive," would defuse. And Jerry Lucas, another teammate, declares that the old Knicks were no less than "the most intelligent team that ever played."

■

It is truly pathetic how Bradley supporters strive to portray their man as some kind of genius.

■

The most rip-roaring political speaker, by far, is Bill Walton, the Flower Child of the Hardwood, someone whose views are as Early Seventies-frozen as Bradley's. He calls for "economic fairness," nuclear-arms control, and "the right of women to have reproductive choice." (If Bill Walton can't bring himself to utter the word "abortion," who can?) He reassures us that both he and the candidate are firmly against "the politics of segregation." He doesn't like it one bit that kids are armed with "cigarettes and AK-47s" (no mention of drugs, teen pregnancy, depravity, and other Republican worries). And he decries Clarence Thomas, "a sad joke that's been played upon us."

In due course, we are treated to the candidate's video bio. We glimpse Bradley's homey hometown, Crystal City, Missouri, with a water tower out of Norman Rockwell. And we see Bradley, in his playing days, shopping in a bookstore. *Shopping in a bookstore.* Bradley, you see, is smart, smart, smart. It is truly pathetic how Bradley supporters strive to portray their man—an utterly conventional left-liberal politician of utterly conventional intelligence—as some kind of genius. You might think that Bradley himself would regard this as condescending and insulting. Many years ago, George Will recorded a delicious comment from a pitcher for the Kansas City Royals, Dan Quisenberry. Quiz, it seems, regarded a fellow player as especially intelligent. Why? "Because he uses words like 'however.'"

Bradley gives a variation of his standard speech. He is for peace. He is for a clean environment. He is for a sound economy. He is for a world in which "every child has a chance to realize his or her potential." And he shows himself to be something fairly rare in major-league American politics: a radical utopian. He spits on the notion that we can't "eliminate child poverty" or that "everyone can't have health insurance." In statement after statement, he makes clear that he believes in the perfectibility of man, and of society, through government. A Bradley administration, he vows, will herald "an era of new possibilities." He repeats this phrase several times, obviously having hit on a slogan.

In his peroration, Bradley cites a poem, which maintains that it is not tragic to die but tragic to die with "commitments undefined, convictions unexpressed, and service unfulfilled." He has already, he says, defined his commitments. And he has expressed his convictions. And "if the American people so will it, I will fulfill my service." Usually, candidates do not reveal so explicitly that they regard their election as a matter of personal fulfillment. But Bradley, as we keep hearing, is not your usual candidate. He is probably our most messianic presidential contender since Jimmy Carter, offering up his very goodness as a bulwark against the many dark forces that press down on us. He has been told, from his adolescence, that he is a very special, special person, with a desperately necessary gift for leadership. He believes it. But then, so does his posse.

In the pressroom afterward—following a performance of "Amazing Grace" by the Brooklyn Youth Chorus, a mighty "diverse" group, as Robin Roberts crows—some of the legends are asked whether anyone could possibly be so unblemished, unblemishable, and indispensable as the man they have described today. Bob Cousy, a blunt talker, replies, "We'll find out." The others, though, including the Big O, hasten to assure, "Oh, yes, he certainly is—best man I ever met."

Every candidate should have friends like these. Hell, we all should. **NR**

■ CAMPAIGN 2000 III ■

McCain for a Moment

Don't bet against Bush

KATE O'BEIRNE

WHEN a poll of New Hampshire voters found that John McCain was in a statistical dead heat with George W. Bush, one of the Arizona senator's enthusiastic campaign aides dismissed talk about the "McCain Moment." Buoyed by the survey, he proposed instead a "McCain Millennium"—because "what we have seen in New Hampshire in the last few weeks is not just a plausible path to victory, but a tangible one." A growing number of McCain's supporters believe he can win the nomination after fatally wounding Bush in New Hampshire. Bush has an enormous lead in national polls, fundraising, and endorsements, but McCain's backers smell blood.

Although McCain—like Bush—is a novice as a national candidate, he is a more experienced political performer. He relishes mixing it up with town-hall audiences. One McCain supporter contrasts his candidate's media-savvy command of the issues with Bush's recent stumbling over foreign policy. He notes a growing unease with a frontrunner "who can't be scripted forever" and

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imagines that Bush's next misstep will result in an "implode scenario" in which Bush defectors flee to McCain.

The McCain camp recognizes that it has valuable allies eager to promote this scenario: The media can be counted on to pound away at Bush's shortcomings in behalf of their favorite candidate. National polls give Bush a 4-to-1 lead over McCain, but the media want a race. When the recent New Hampshire poll provided the first, slim evidence that there might be one, it made headlines coast to coast—even though a simultaneous *Newsweek* poll of New Hampshire voters found Bush with a commanding 44–27 lead over McCain.

The McCain forces have not been waging a national campaign, but they expect priceless national coverage following wins in their two target states—New Hampshire and South Carolina. Campaign spokesman Dan Schnur asks: "Which would you rather have, the covers of *Time* and *Newsweek* or the endorsements of local politicians?"

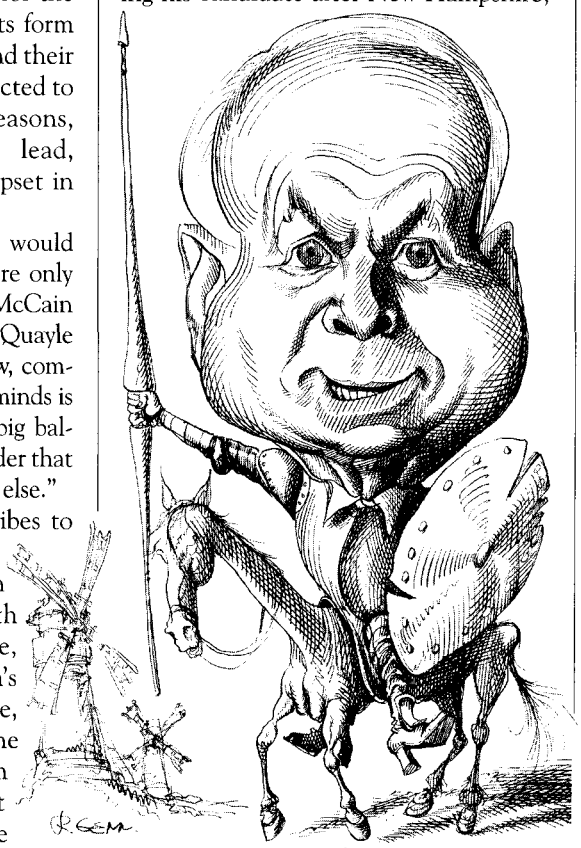
How likely is it that McCain will be dominating newsstands early next year? New Hampshire has one of the highest numbers of veterans per capita of any state, and McCain has recruited them for key grassroots support. Also, for the first time in history, independents form the state's largest voting bloc—and their ability to vote in primaries is expected to benefit McCain. For these reasons, although Bush continues to lead, McCain could well pull off an upset in the Granite State on February 1.

His supporters argue that this would strip Bush of his chief asset. "You're only inevitable until you aren't," says a McCain aide. An outside observer, former Quayle campaign manager Kyle McSlarrow, comments: "The question on people's minds is whether the Bush campaign is a big balloon that gets popped, or a big boulder that just keeps on rolling over everyone else."

The McCain campaign subscribes to the balloon theory and hopes to see a "drastically weakened" Bush after a McCain win in South Carolina on February 19. Here, too, veterans are key to McCain's effort; according to a McCain aide, they make up 30 percent of the GOP primary vote. The problem is, there is no evidence yet that McCain poses a serious challenge to Bush in South Carolina, and some experts doubt that he ever will. Veteran GOP demographer John Morgan says, "I don't see George Bush losing in South Carolina."

Ralph Reed, a Bush supporter, notes the large number of evangelical voters in South Carolina who will be troubled by McCain's bitter feud with pro-life groups over campaign-finance reform. A top Bush adviser explains that there would be greater concern about McCain's prospects if the senator were attempting to peel off conservatives by running to the right of Bush on a handful of issues. But the Bush camp remains confident that conservatives wary of Bush's positions are even more suspicious of McCain's contention that the liberal means of campaign-finance reform will serve the conservative ends of smaller government. The Bush adviser predicts that "it's not going to be easy to convince conservatives that they can't have what they want until the *New York Times* gets what it wants."

Morgan predicts a tough road for McCain after South Carolina: "Bush will start winning where McCain isn't even campaigning." McCain strategist Mike Murphy recognizes the challenge awaiting his candidate after New Hampshire; he likens it to "being ready to drink from the fire hose on the day after." Bush is clearly better able to swallow what comes next, because of his immense funding advantage. At the end of September, Bush reported having over $37 million on hand, while McCain reported only $2 million. Although they expect to be vastly outspent, the McCain campaign reports a recent increase in fundraising that has permitted them to make spending commitments in a few more states.



John McCain by Roman Genn

The media can be counted on to pound away at Bush's shortcomings in behalf of their favorite candidate.

Still, most observers believe that even a cash infusion won't be enough to mount a serious challenge in states where Bush has been organizing support. Within three days of South Carolina, there are primaries in Michigan and Arizona, with Virginia a week later. McCain is leading in his home state, but Bush can count on the strong support of Govs. Engler and Gilmore in the other two primary states. On March 7, 13 more states will vote, including delegate-rich California, Georgia, New York, and Ohio; a week later, six others, including Texas and Jeb Bush's Florida. By March 14, over 60 percent of the delegates needed to win will have been selected.

Ralph Reed questions both McCain's ability to compete after South Carolina and his decision to bypass the first contest in Iowa. He notes that New Hampshire polls always change after Iowa, where he expects Bush to do well, despite a challenge from Steve Forbes. David Yepsen of the *Des Moines Register* points out that "the bypass-Iowa strategy has never been successful . . . Since the start of the caucuses, no one has won the nomination or the White House without first finishing among the top three contenders in Iowa."

For the moment, McCain may pose a threat to Bush in New Hampshire. But the smart money is still on a "Bush Millennium." **NR**

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■ THE LAW ■

Too Rich to Win

Bill Gates and the jurisprudence of envy

HOLMAN W. JENKINS JR.

ANY normal person would have found in Judge Thomas P. Jackson's "finding of fact" in the Microsoft case an invigorating tale of battle, maneuver, and compromise in the high-tech marketplace. Indeed, a normal person would conclude that things had worked out amazingly well for consumers. We have cheap, powerful desktop computers that we wouldn't have dreamed of ten years ago. We have access to a cornucopia of resources and information, via the Internet, that would have been unimaginable even five years ago.

But such a person would discover—to his surprise—that, as a result of Judge Jackson's findings, there suddenly exists a real prospect that Microsoft, a company that did more than any other to make all of this possible, will be forcibly broken up as a kind of public nuisance.

To understand the anti-Microsoft crusade, the place to start is not some dusty treatise on the Sherman Act. A better guide might be Freud's *Group Psychology and the Analysis of the Ego*, and its reinterpretation of the Biblical story of Solomon.

If you experienced the rigors of Sunday school, you will certainly remember the story. A mother accidentally kills her baby and then lays claim to another woman's child. Unable to determine which mother is telling the truth, Solomon offers to cut the baby in half. By such means is the true mother revealed—because she naturally relinquishes her claim in order to save her child.

Mr. Jenkins is a member of the editorial board of the *Wall Street Journal*.

What interested Freud, however, was the false mother's acquiescence in Solomon's solution. Nothing would bring her child back, but seeing another woman similarly deprived might assuage her envy and grief. This, Freud decided, was a secret wellspring of our modern notions of justice. "No one must put himself forward," he wrote, "everyone must be the same and have the same. Social justice means we deny ourselves many things so that others may have to do without them too."

Antitrust may be a tendentious use of economics, but it is beautifully fashioned for enacting the purposes Freud described.

As every poll shows, Americans who understand neither economics nor technology nevertheless know where they stand on the Microsoft case. They either see the government shamelessly attacking a success story, or necessarily cutting an object of envy down to size. Whichever side they come down on, they understand that the real question is whether Bill Gates should be punished for daring to "put himself forward."

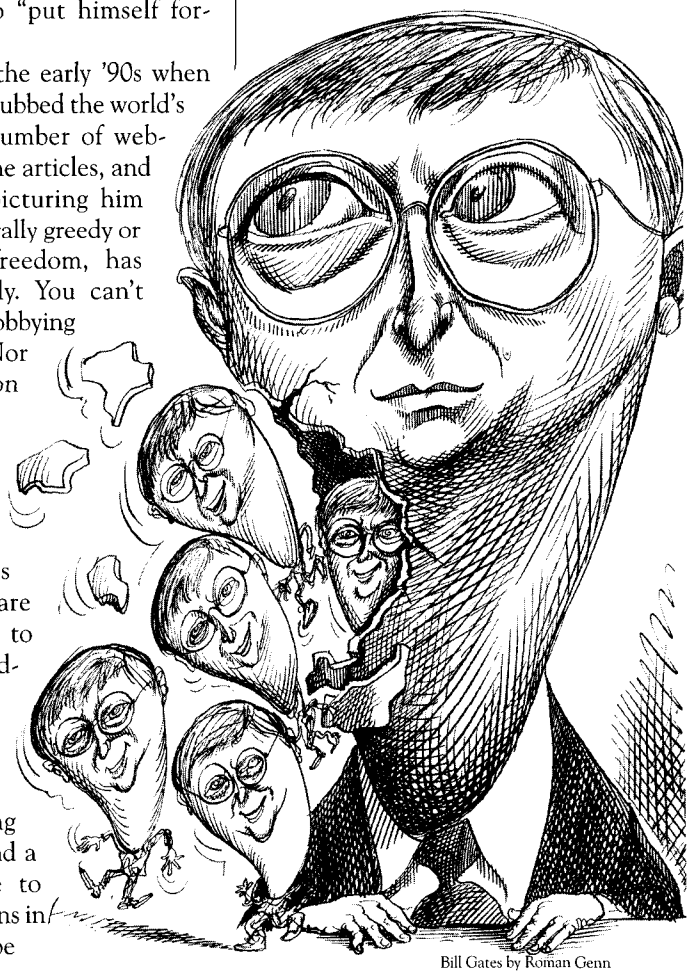
From the day in the early '90s when Gates was formally dubbed the world's richest man, the number of websites, books, magazine articles, and jokes devoted to picturing him either as preternaturally greedy or as a menace to freedom, has grown geometrically. You can't blame this on the lobbying of his enemies. Nor can you blame it on Gates.

Millions of computers have been sold that would not have been sold without Microsoft's "monopoly." Software designers were able to develop their products for the largest possible market. Users were able to buy computers and software knowing that the industry had a powerful incentive to introduce innovations in a way that would be compatible with the items the users were buying.

Those who have made careers out of vilifying Microsoft—people like Larry Ellison of Oracle, Scott McNealy of Sun Microsystems, and Steve Case of AOL—have themselves gone on to be billionaires, thanks in part to the rapid development of the personal computing industry that Microsoft made possible.

No evidence was presented in the trial to show that Gates had ever committed any offense against any recognizable Judeo-Christian moral norm. He didn't steal, evade taxes, or park in a handicapped zone. He did not order that anyone's legs be broken.

Yet, even before the first lawsuit, the language and tone of media and "expert" explanations of the Microsoft phenomenon were having a cumulative effect on public perceptions. *Time* ran a profile of Gates under the headline "Mine, All Mine." Business publications that should have known better have indulged in imagery of limitless ambition tied to limitless power. This was never



Bill Gates by Roman Genn

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the real world, but it made a good story and the media ran with it.

One might have expected a more tempered view from those charged with carrying out the law. Yet as far back as 1994, federal judge Stanley Sporkin, in a minor opinion related to an earlier Justice Department lawsuit, went out of his way to declare Microsoft "a threat to this nation's economic well-being" and "a threat to the underpinnings of a free society." Microsoft's enemies readily took up this nonsense. Netscape's CEO, James Barksdale, and its general counsel, Roberta Katz, were tireless in their lobbying of the media and Congress. If Bill Gates weren't stopped, they claimed, he would soon control all commerce and information.

This should have been seen for what it was: paranoia, in the clinical sense. But a great many people actually came to believe it.

Yes, Microsoft's powerful position naturally has given rise to interest groups that lobbied successfully for antitrust action. Economists can readily explain this behavior as an attempt to use government's thumb on the scale to advantage one group of competitors over another. Nor would you expect lawyers in the Clinton Justice Department to pass up the career opportunity of a lifetime. The antitrust bureaucracy exists to bring antitrust cases, and the Microsoft case has opened avenues to the creation of "new law" that can be turned into gold on the other side of the revolving door. But we must also recognize that the assault on Microsoft wouldn't be happening if a substantial part of the public weren't prepared to acquiesce in it.

Normal business tactics become 'illegal' only after a court has pinned the label 'monopoly' on a company.

Not the least of the ironies is that, long before the trial, it was already clear that Gates was just another fallible businessman, and Microsoft just another company. The latest version of Windows has become a kind of industrial Vietnam, missing deadline after deadline. Computer manufacturers are developing new PCs, smart phones, and palmtop devices designed to surf the Web without using Microsoft software at all. Microsoft has thrown literally billions of dollars at various new business ventures—without noticeable success.

Even on its own terms, antitrust is crimeless crime. Perfectly normal business tactics become "illegal" only after a court has pinned the label "monopoly" on a company. Until Judge Jackson's decision in early November, no court had ever found Microsoft to be a monopoly.

Yet the punitive urge long ago took leave of the facts. Here we are, trying to "fix" the one part of our economy that is unimpeachably working well. The schools may be falling apart. The drug war may be a disaster. The military may be overworked, underpaid, and under-supplied. But, by golly, we're going to teach Bill Gates a lesson.

Looking at all this, a normal person might well conclude that the only real public purpose being served here is to deprive Gates of his baby—as punishment for becoming the richest man in the world. **NR**

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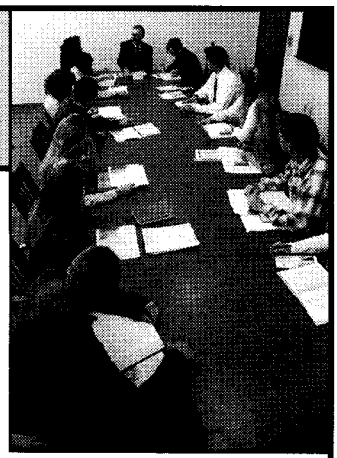

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■ THE LAW II ■

Microsoft, Macro-screwed

The decline of antitrust

RICHARD A. EPSTEIN

JUDGE THOMAS PENFIELD JACKSON has issued an opinion that outdoes the government in savaging Microsoft. It says, basically, that Microsoft used cunning and guile to create and maintain a monopoly with its Windows operating system, thus stifling competition and harming consumers.

Attorney general Janet Reno crows that Jackson's decision will benefit consumers. Robert Bork hailed the decision as bringing a predatory monopolist to heel. Microsoft's "untenable" legal position, Bork concludes, leaves the company no choice but to resort to a dubious lobbying and public-relations campaign: "Nothing comparable in intensity, expense, and mendacity has ever been seen with respect to antitrust litigation."

Tough words, indeed—but, to this independent observer, it just ain't so. To see why, step back from the detailed technical portions of this case to consider the broader framework of antitrust litigation. The basic prohibition of the antitrust law is against business practices that operate in restraint of trade. The paradigmatic violation of that command is an agreement among competitors to rig their prices, in consequence of which fewer goods are sold at higher prices. Consumers are made worse off, and producers are made better off. Orthodox price theory shows that the gains to the producers are systematically smaller than the losses borne by the consumers, so that *on net* society is better off when the monopoly is squelched and competition maintained.

The application of this laudable program is, however, fraught with hidden dangers. Enforcing the antitrust law is always costly, and the risk of wrong judgments is distressingly high. These dangers are magnified beyond reason when the claim is made that a firm such as Microsoft seeks to obtain or preserve its monopoly position by *lowering* prices or *improving* its service to consumers. The short-term advantage to consumers of low prices and better products is evident to all, so that the supposed nefarious consequences of these schemes must come from the insidious ability to gouge consumers in the long run.

In non-network industries, it is virtually impossible, historically, to identify *any* successful case of predation. The firm that lowers prices will experience a sudden increase in demand for its product; but selling products below cost will multiply its losses. The firm's clever competitor will stay on the sidelines while the predator hemorrhages cash, then bounce back into the marketplace the moment its drained adversary seeks to raise prices above the competitive level in order to recoup its short-term losses.

That strategy looks like financial suicide for the predator—even without the intercession of antitrust laws. An alternative account of the same behavior is obviously more reasonable: namely, that ostensible predation is in reality sensible economic competition that gives consumers lower prices.

The use of a predation theory, therefore, turns the antitrust law on its head—so that now it protects an established incumbent against competition from a new entrant.

Ironically, the established incumbent in the browser market was Netscape, not Microsoft. Microsoft had to scramble to offset Netscape's market dominance, even on computers that ran on the Microsoft system. It is hardly in the interest of consumers for Microsoft to cede this vital niche to an incumbent.

The only question is whether Microsoft adopted improper means while playing catch-up. That charge would have stuck if Microsoft had risked a public-relations disaster by configuring its operating system to repel Netscape's Navigator. Indeed, by virtue of controlling the hub position, Microsoft could have been guilty of an antitrust violation if it had impeded Netscape's ability to hook onto the Microsoft system. But that charge isn't credible, given Netscape's large initial market share—and the fact that Netscape would have needed to make only a modest adjustment to obtain access to the Microsoft system.

Microsoft chose to compete by developing better products at a lower price. In condemning this behavior, Judge Jackson's opinion lapses into inexcusable newspeak. Exhibit A is his bizarre treatment of the access-kit agreements. As Jackson describes them, these kits provided a simple and convenient way for users—including any Internet Access Provider who clicked onto Microsoft's website—to download the access kit *free of charge* for their own use.

Netscape, alas, did not offer its analogous package, Mission Control, until nine months later, and initially charged a staggering $1,995 for it. Not surprisingly, virtually all Internet Access Providers took the Microsoft deal, at the cost of making Microsoft their *preferred* (i.e., not even exclusive) Internet browser.

■

In condemning Microsoft's behavior, Judge Jackson's opinion lapses into inexcusable newspeak.

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It's a pretty good deal. But here's how Judge Jackson describes it: "Microsoft's decision to license Internet Explorer and the [access kit] . . . at no charge beguiled many [small service providers] that otherwise would not have done so into distributing Internet Explorer to their subscribers. By giving up an opportunity to charge for Internet Explorer, and also by developing the [access kit] at substantial cost and offering it at no charge, Microsoft thus increased" its business.

Read that passage carefully. It disproves conclusively the perverse claim that Microsoft caused antitrust injury. Judge Jackson insists that Microsoft's

Mr. Epstein is a professor of law at the University of Chicago.

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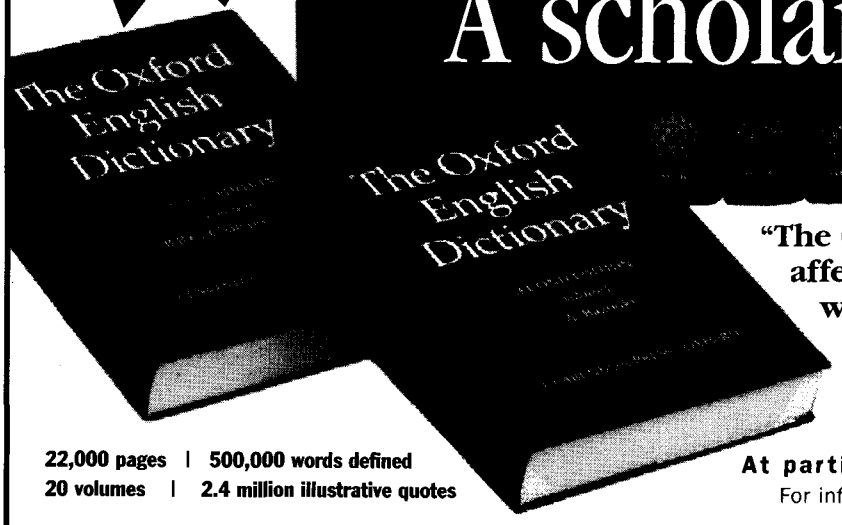

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sophisticated software users were like infants "beguiled" into accepting its favorable terms. Does he really mean to suggest that these users should have twiddled their thumbs for nine months, until a sluggish Netscape gave them the privilege of paying $2,000 for a product that might have been less versatile than the product Microsoft was offering them free of charge? This conclusion would make sense only if the antitrust law were meant to preserve a tottering Netscape browser monopoly. But in a sane economic world, Microsoft's aggressive strategy is *exactly* how we want competitors to behave. Nothing would have prevented Netscape from competing with Microsoft—if only Netscape had had the goods.

In a sane economic world, Microsoft's aggressive strategy is *exactly* how we want competitors to behave.

Judge Jackson tries to sidestep this obvious critique by chastising Microsoft for giving up an opportunity to make money. Microsoft could have charged for Internet Explorer, and it didn't. But this was not predatory, because Microsoft was going to make immediate profits from its expanded installed base. Viewed as a whole, Microsoft did not sustain any short-term losses through this practice.

Judge Bork lashes out at Microsoft by invoking the shopworn theory of tie-ins that his own earlier work had largely discredited. The basic charge is that firms which possess a monopoly in one good (an operating system) will tie to it another (a browser) in order to improve their position. Bork's earlier work helped establish the decisive response: that any product market has at most one monopoly profit that can be extracted by raising prices on the basic product. The firm with a monopoly in cars charges the monopoly price whether or not it ties the sale of cars to the sale of tires. If, therefore, it decides to sell the car with tires, it is because the consumer prefers the bundled package to the chore of matching tires with cars.

Bork claims that the Microsoft tie-in is different, because the tie-in was used not to enhance the monopoly over operating systems, but to prevent Netscape from competing in the *browser* market. But again, his point makes no sense. It was *Netscape* that had the advantage in the browser market. Microsoft will charge nothing for its browser—whether tied-in or as a stand- alone—because of the revenues it can garner from third parties. The tie-in arrangement does not prevent Netscape from offering its browser for nothing. The theory that Netscape has been excluded would have the patina of plausibility only if consumers were being forced to pay twice to get the Netscape Navigator, but just once to get Microsoft Explorer. But they aren't. The blunt truth is that this tie-in is worthless.

The moral of this sorry tale seems clear. In the bad old days of antitrust, the government frittered its attention away from serious questions of horizontal price fixing into exotic forays into the world of predation and tie-ins. The traditional scholarship demonstrated that these diversions were always costly and often counterproductive. The Microsoft case gave the government a chance to demonstrate how its refined understanding of antitrust theory could improve technology in the computer age. But the government chose instead to trot out dubious theories whose chief effect is to preserve the monopoly of its favored client. Let us hope that its new gimmicks will be shot down by the appellate courts, the Congress, or both. **NR**

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■ EUROPE ■

Chirac Therapy

The anti-American temptation persists

JOHN O'SULLIVAN

Dresden, Germany

ANTI-AMERICANISM, which most people thought would wither away as its Soviet life-support system was switched off, has migrated from the campuses to the chancelleries. In Canada, for instance, Liberal minister Sheila Copps is seeking to muster an anti-American caucus at the forthcoming Seattle meeting of the World Trade Organization under the banner of "cultural diversity" (i.e., fewer Hollywood films, videos, and television sitcoms).

But they do these things better in France. Early in November, President Jacques Chirac called on the European Union to adopt a joint but independent foreign and defense policy—independent, that is, from the United States. He also threw in an attack on the U.S. Congress for the "unilateralism and isolationism" it had shown in rejecting the Comprehensive Test Ban Treaty. And France's foreign minister, Hubert Vedrine, took his boss's argument further still. "We cannot accept a politically unipolar world, nor a culturally uniform world, nor the unilateralism of a single hyper-power." ("Hyper-power" in this context means the same as "superpower," only worse, and "unilateralism" is a term for any American action that has not been previously suggested by France.)

Such French outbursts have been emitted at regular intervals since the days of de Gaulle, and most observers dismiss them. A common calculation is to point out that with France instinctively hostile to American leadership of the Atlantic alliance and the Brits reliably supportive, it is the Germans who cast the vital swing vote—and Germany remains sound. Hence there was a real interest among

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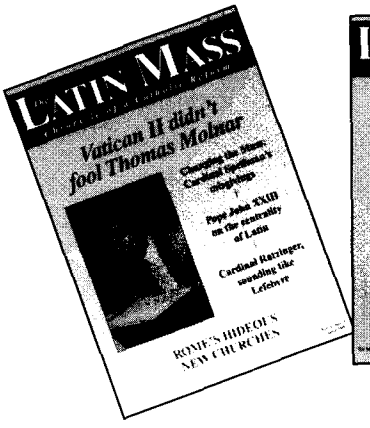

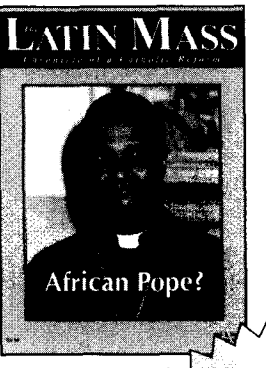

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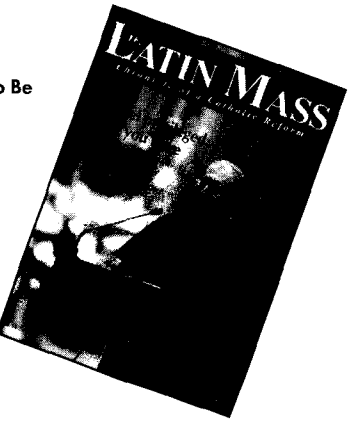

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the American delegates to the recent New Atlantic Initiative conference in Dresden as to how the Germans present would respond to the Chirac speech. They were quickly reassured.

"It's just the French sounding off," said several German speakers, who went on to point out that, when there was a real crisis, as over Cuban missiles in 1962, the French were reliable allies. Gen. Jorg Schonbohm, formerly head of the German army and now a conservative politician, drove home the message by claiming that there was not even talk of a U.S.-Europe "decoupling" in most of Europe. "There might be some thinking in France along these lines," he said, "but that is not the feeling in Germany or in other countries."

It is undoubtedly true that most German policymakers place a high value on the Atlantic alliance. Among older Germans with strong memories of the Cold War, this feeling probably outweighs both loyalty to the "European idea" and any differences with the United States on specific issues. But a new generation of German leaders is now in power. And as the Dresden conference wore on, it became clear that some very serious differences of opinion were disturbing the NATO alliance.

Most immediately serious of these was missile defense. As Richard Perle, the Reagan administration's defense strategist, pointed out, America is moving towards bipartisan agreement that an anti-missile shield is needed to protect U.S. cities against missiles launched either by rogue states or by accident. Europeans are generally opposed to missile defense on the grounds, as elaborated elsewhere by German foreign minister Joschka Fischer, that America's nuclear umbrella over Europe would be damaged if U.S. and European cities were not equally vulnerable. In fact, as Perle argued, the opposite is true: The U.S. is more likely to defend Europe against nuclear threats if its own cities are not at risk. This logic notwithstanding, Europeans would prefer to rely on the ABM treaty (to which rogue states are not signatories and which anyway cannot protect against an accidental launch).

Germans of both Left and Right attach an almost religious significance to arms control, international treaties, and supranational agencies like the United Nations. Hence the disproportionately ferocious reactions in Germany to the Senate's rejection of the test-ban treaty. Former president Richard von Weizsacker, a moderate Christian Democrat, denounced it as "irresponsible, brutal unilateralism," as if the U.S. were somehow obliged to sign treaties of which Europeans approve. At Dresden, it was on attitudes toward the U.N. where Atlantic differences emerged. Germans doubted the legitimacy of any military intervention not carrying the approval of the U.N. Security Council. And though some Americans shared that view, others pointed out that even the Clinton administration is unwilling to grant such power over matters possibly involving vital American interests to a body that includes Russia, China—and France.

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If 'Europe' rises to superpower status, it will increasingly define its interests in opposition to those of the U.S.

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In practice, such disputes have usually been resolved within the alliance in favor of the U.S. But that tendency itself reflects the present structure of NATO, in which the U.S. is the predominant power surrounded by lesser ones. In an Atlantic alliance resting on two equal pillars—the EU and the U.S.—such disputes would be fought out more closely, bitterly, and divisively. Thus the American concern, recently expressed by Congress, over the European Security and Defense Initiative (ESDI). It holds out at least the possibility of the very "de-coupling" of Europe and the United States that everyone has denounced.

Exactly where does that leave the U.S.? The next president will find himself facing a partner in the European Union with a social-democratic political culture that is much fonder than America of arms control, the United Nations, and binding international law. In the past, such differences were reconciled because the Soviet threat imposed its own discipline on NATO members and because some European states, notably Britain, were closer to the United States. But the Soviet threat is no more. And as Britain is increasingly integrated into European structures, not only is its freedom of action circumscribed—a common European foreign policy, for instance, would almost certainly forbid Britain's support of the U.S. over Iraq—but also its political culture is increasingly assimilated into Europe's. What this promises is a series of future disputes on foreign policy between the U.S. and a united Europe that has the beginnings of an independent military capability.

A common response—heard at Dresden but not universally accepted—is that Europe will never spend enough money to meet likely threats. That may well be wishful thinking. Domestic political opponents of European integration have consistently dismissed its early initiatives as trivial, doomed, or symbolic, only to see them grow into real institutions, such as the euro. European integration is a new nationalism in its own right, fired by a real passion that Europe should be the equal of the U.S., and attracting increasing support among European elites. By describing itself as an antidote to nationalism, it has largely disarmed the suspicions that any European nationalism should arouse. But if "Europe" rises to superpower status, and if its distinctive foreign-policy culture is reinforced by a series of disputes with America, it will increasingly define its interests in opposition to those of the U.S.

Because the American foreign-policy establishment has been slow to wake up to these dangers, it has left itself very few good options. Outright opposition to Euro-integration would simply accelerate the emergence of an anti-American Europe. But there are a number of lesser steps that could at least improve matters.

We might, for instance, conciliate the Europeans by bringing them into the American decision-making process at an earlier stage through greater and more public use of Atlantic institutions. If seriously pursued, this would also reduce the soft-headed utopianism of Europe's foreign-policy culture by forcing it to confront realities such as the missiles acquired by rogue states. In time, a genuine Atlantic political culture might be the result—rendering the fears expressed in this article largely moot.

We might, secondly, object to some

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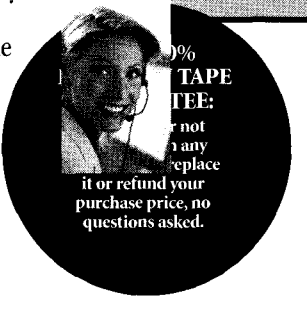

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aspects of Euro-integration as inconsistent with alliance obligations. Because America continues to supply most of the sinews of Europe's defense, it can reasonably resist any implementation of ESDI that is financed out of existing European defense budgets on the grounds that the monies have been diverted from NATO. Not all Europeans are enthusiastic about ESDI: The British and Dutch are late converts; and even now the Germans remain nervous about taking a position directly opposed to firm American leadership.

Above all, we might match European economic integration with Atlantic economic integration and so create an economic counterpart to NATO (just as the Europeans are creating a military counterpart to the EU). The French are alive to this danger, as shown by their determined opposition to TAFTA (a Transatlantic Free Trade Area) even as the EU offers free trade to Russia! But Paris would be hard put to resist a really serious American push for TAFTA if the Germans and the British were to go along (as the former might and the latter certainly would). And if the EU were to rule out TAFTA, we might reasonably retaliate by forging free trade with Eastern and Central Europe (still kept out of the EU by never-ending negotiations), or by encouraging Britain to negotiate a looser relationship with the EU and join NAFTA. Such diplomatic moves would be risky, but if they succeeded they would largely negate any EU attempt to match the U.S. as a rival superpower.

In the meantime, lesser forms of integration might be encouraged: Washington should forget its worries over the transfer of technology and promote U.S.-European mergers between defense companies. An ESDI would not give Europe strategic freedom of action without an independent European defense industry—ultimately a far more vital strategic benefit than the sharing of some defense technologies.

If there is to be a major alliance dispute over ESDI or anything else, however, it had better come quickly—allowing Washington time to formulate a new European policy before a rival superpower arrives on the scene. At present both sides of the Atlantic are drifting towards isolationism, denouncing isolationists as they approach the falls. **NR**

■ **EUROPE II** ■

State of the Bloc

The ex-satellites, ten years later

DAVID PRYCE-JONES

LIBERTY, a shy creature, showed her face in 1989. Colonized for 40 years by the Soviet Union, the populations of Central and Eastern Europe took to the streets in peaceful protests against oppression. They had had enough of Communism. Traitors and quislings to a man, the Communist bosses of the Soviet bloc now had to escape the fear and hatred they had inspired in their people. They visualized themselves hanging on lampposts in retribution, and so they struck a deal with the new democratic leaders in the bargaining process known as a Round Table, conducted in each of the countries. They would agree to share power in return for immunity for whatever crimes they had committed. Non-Communist governments then succeeded them. "The world's great age begins anew," as the ever-optimistic Shelley had once written about the downfall of other tyrants. Here was a mass staging of the uplifting scene in *Fidelio* when prisoners emerge from the dungeons into freedom and hope.

A decade on, celebrations are few and far between. The Communists have survived and prospered. In the swings of the pendulum between themselves and the democrats, they have already won—but then lost again—elections in Hungary, Romania, and Bulgaria. Now, if opinion polls are right, all former Soviet satellites are likely to be once more under Communist control after the next round of elections. In the Czech Republic, the Communist Party has not changed its name or its program, and still advocates state ownership of property. A recent poll shows that it is the country's most popular party. Communists already in power include such personalities as Aleksander Kwasniewski, president of Poland. At reunions in Berlin and Prague to promote what should have been their historic achievement of putting an end to Communism, former presidents Bush and Gorbachev, Chancellor Kohl, and Lady Thatcher looked thoroughly forlorn. Liberty's face is back in the shadows.

To the incoming democrats, politics was an unknown quantity, and government an absolute novelty. Their task was immense, nothing less than the rebuilding from scratch of what had once been viable nation-states. Privatization and the rule of law were prerequisites. In general those who had to do the work were, and still are, a collection of well-meaning professors and dissidents in baggy trousers and sweaters with holes, and accustomed to sitting into the night for hours of unresolved argument.

■

For democrats, the task was immense, nothing less than the rebuilding from scratch of what had once been viable nation-states.

■

Inexperience and personal ambition were hardly a promising mix.

Here and there, technicians have emerged, like the economist Leszek Balcerowicz in Poland, the Thatcherite Vaclav Klaus in the Czech Republic, and Viktor Orban, present prime minister of Hungary. The countries of the old Soviet bloc do now have the outlines of the necessary institutions of statehood, for example a presidency and a parliament, political parties and a more or less free press. But there is a Potemkin air of make-believe about it all. The majority of people are no better off. Pensioners and the poor, and farmers and workers too, are mostly more wretched than they were before. Opportunities, justice, the rule of law, remain so many fine abstractions, without application to daily life. In the absence of anything that can yet be described as an effective social fabric, it is everyone for himself.

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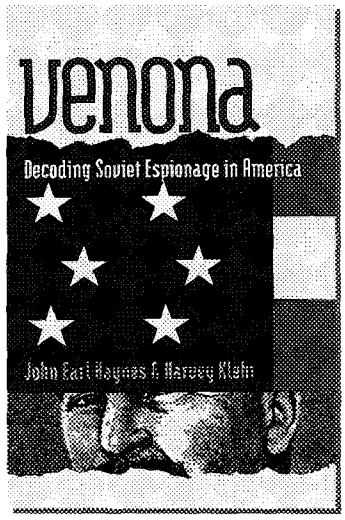

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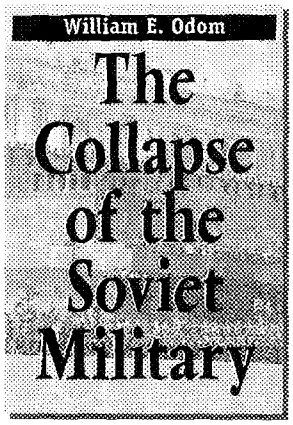

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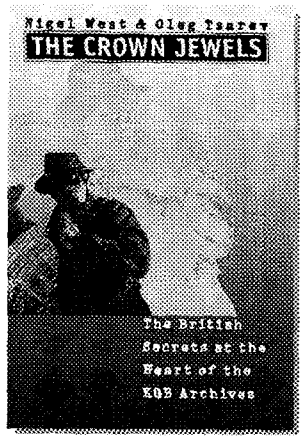

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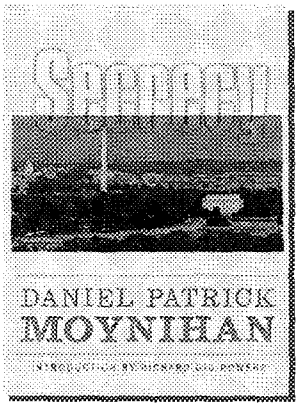

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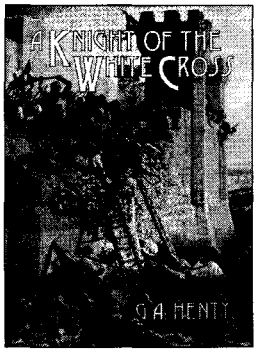

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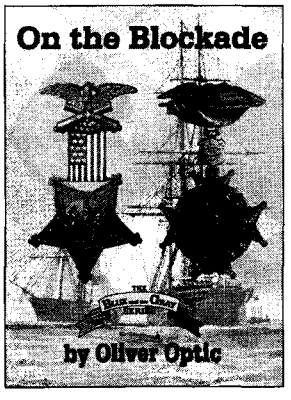

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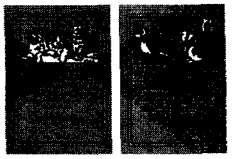

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In 1989's Round Table bartering, the Communists knew what they were doing. The deal they then cut has given them personal advantage as well as a stranglehold on progress. In the first place, there could be only a token house-cleaning, affecting no more than a few figureheads. This fundamental failure to define right and wrong has made a mockery of the concept of the rule of law. More damaging still, the Communists contrived by these means to keep the levers of power in their own hands, retaining the enormous hidden funds that the Party had amassed by hook or crook, as well as keeping in place national networks of patronage. Sole and exclusive managers of state assets hitherto, they were able to exploit their position to become outright owners or plunderers of everything within reach. Asset-strippers and profiteers of the new democracy, they have also made a mockery of the concept of privatization. Far from ending on lampposts or even in courtrooms, these men continue to prove that crime pays. The few thrive at the expense of the many. State-formation is merely wishful when government is too weak to prevent such gross abuse. President Stoyanov of Bulgaria spoke for the whole former Soviet bloc when he recently declared that corruption "is the major failure of the democratic process."

Deprived of the old and reliable apparatus of state terror to implement their purposes, the Communists have had to remake themselves as Socialists and even Social Democrats. Crime? Stolen funds? Fraud? They have no knowledge of such things. Impeccably dressed in double-breasted suits, usually beneficiaries of scholarships in America and therefore fluent in English, they present themselves as well-connected internationalists, practical politicians who can get things done, masters of the media, powerbrokers speeding through the capital in BMWs driven by muscular bodyguards. Under this camouflage, they are the ruthless and disciplined cabal they always were.

Leszek Miller is the socialist leader who looks poised to win elections in two years' time in Poland. He spent the final years of Communism persecuting the democratic movement Solidarity, a minister and a member of the Politburo under the Soviet hit-man General Jaruzelski. *Beton*, his nickname, means concrete. The present prime minister, Jerzy Buzek, and his government colleagues are the heirs of Solidarity, and if Beton were to oust them, he would only be completing his former Party duties.

Similarly in Hungary, the likeliest Socialist contender in elections due in 2002 is Miklos Nemeth. Smooth and swift-talking, he has spent recent years making fruitful contacts in London at the European Bank for Reconstruction and Development, but before that he had risen to leadership through the Young Communists. In Romania, long ago, the dictator Nicolae Ceausescu handpicked General Ion Iliescu as his successor. Ceausescu was the one and only Communist ruler to be executed, in a spasm of vengeance. Iliescu duly took over, then lost power to the democrats, but seems certain to regain it as Romania slides into general distress.

Former East Germans like to claim that job security, health, education, and much else really had been better under Communism.

The tenth anniversary of the collapse of Communism was specially melancholic in East Germany. A bitter little joke was making the rounds: "Everything the Communists told us about Communism was a complete and utter lie. Unfortunately, everything the Communists told us about capitalism turned out to be true." Few East Germans found a good word to say for their new status. *Ostalgie* is a wordplay combining the idea of nostalgia with *Ost* (German for East), and in great spouts of this emotion former East Germans like to claim that job security, health, education, and much else really had been better under Communism. Some $900 billion has so far been spent on them by West Germans, and it is not enough. The Communists have regrouped into the Party of Democratic Socialism. By far the largest party in East Germany, with 100,000 members, it has obtained more than a fifth of the vote in Saxony and Thuringia, and it is a potential member of a coalition government in Berlin. Typically, the PDS leader, Gregor Gysi, has evolved from being a privileged member of the old nomenklatura into everyone's rather hip and wisecracking friend.

A mistaken foreign policy is completing the moral and political confusion of these former Soviet satellites. From 1989, the democrats had to be sure that they were truly rid of the Russians. This was an objective that needed no justification. In the hopes of guaranteed Western protection, they have unanimously, even desperately, applied for membership in the European Union and NATO. With the possible exceptions of Romania and Bulgaria, they are getting their way, and the last stages should occur at about the same time that the Communists prepare to win the coming elections. NATO will hardly welcome a member with an elected Communist government, even if notionally reconstructed—but let that pass. Once in the EU, countries whose populations longed for decades to be free from one foreign-run federation will merely have submitted to another. The restrictions on independence may be self-imposed this time, but restrictions they undoubtedly will prove to be. And could that really have been the purpose of struggling so hard for national identity and statehood?

This paradox is a real gift to the Communists. In the EU, they are operating in a familiar structure, where favors and lobbying garner fortunes, and command has priority over consent. One of the wonders of the day is to observe Soviet-trained apparatchiks, professionals in the corridors of power, at embassies and conferences, in more cynical divvyings-up in the Round Table style with congenial counterparts from Brussels, and supported by America too. In the manner George Orwell so famously depicted in *Animal Farm*, one bureaucracy is marrying another, in a cozy monopoly of power and wealth that has little to do with democracy. The Communists lost a battle in 1989, but they have successfully transferred the war to another plane—and they may yet win it. **NR**

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G.K. Chesterton

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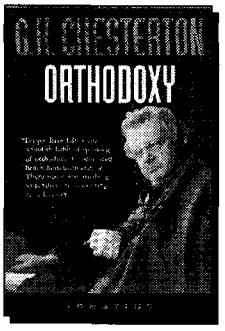

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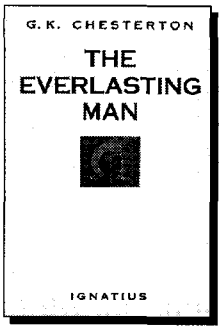

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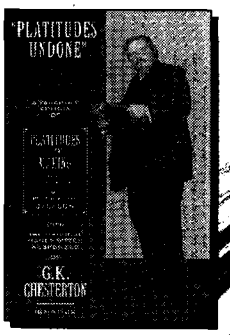

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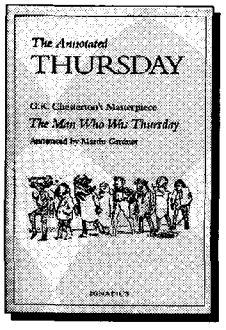

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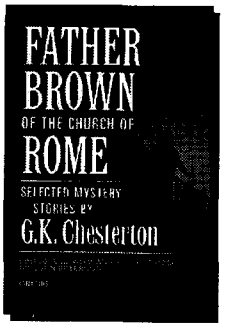

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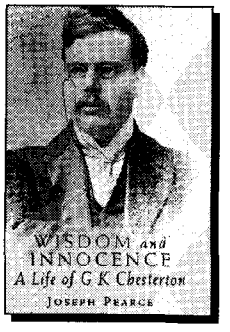

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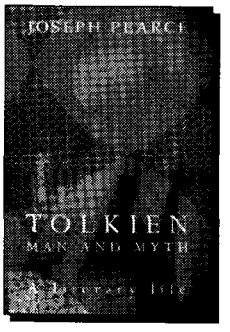

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■ COVER STORY ■

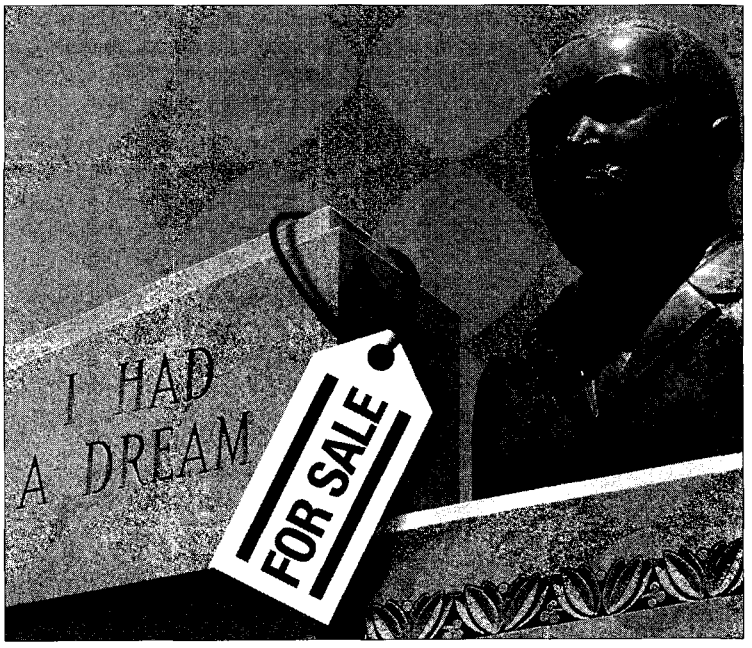
MLK, Inc.

The selling of the dream

JOHN J. MILLER

TOURISTS climbing the steps of the Lincoln Memorial will soon know the exact spot where Martin Luther King Jr. gave his "I Have a Dream" speech in 1963—if the Senate approves a bill passed by the House on November 9 to mark the site with a plaque. It's a good idea: King delivered the 20th century's Gettysburg Address there. Commemorative plaques were invented for such purposes.

It had better be small, though, and shouldn't quote too extensively from the speech. If it does, the federal government could be slapped with a lawsuit by the King estate for violating a copyright. When *USA Today* reprinted the text of the speech in 1993, the King family sued. The newspaper eventually forked over $1,700, plus legal fees. The producer of the television documentary *Eyes on the Prize* also has heard from King lawyers, and wound up paying thousands of dollars for using material claimed by the Kings. And CBS is currently embroiled in an expensive legal battle with the estate for broadcasting footage that its own cameras recorded during the March on Washington. On November 5, a federal appeals court said the case could move forward. Got MLK? It will cost you.



Now a $20 million deal to send a selection of King papers to the Library of Congress may collapse because of a dispute over money and rights. The King family not only wants the cash, but insists on maintaining all intellectual-property claims over the material—essentially, the ability to earn further royalties from the papers' content. "The only thing the Kings are selling is a physical presence," says David Garrow, an Emory University historian and Pulitzer Prize-winning MLK biographer. "They aren't selling ownership." This practice may help pad the content of their bank accounts, but it increasingly makes the Kings look like crass opportunists trying to profit from a martyr's legacy. "The man who stood for the spiritual values of this country is being exploited," said longtime NAACP fundraiser Gilbert Jonas in early November, according to the Cox News Service.

It's impossible not to sympathize mightily with the King family. Coretta Scott King lost a husband, and her four children lost a father, when James Earl Ray fired his gun in 1968. At the time of MLK's death, the family's only substantial asset was a $50,000 insurance policy bought by Harry Belafonte. King had given away much of his income, including the $54,000 he had won with the Nobel Peace Prize. "That's the one thing I've always disagreed with King about—he should have invested that money for his four young kids," says Rep. James Clyburn, Democrat of South Carolina and head of the Congressional Black Caucus. "And now we hear all this talk about his family's unjust enrichment."

It didn't start recently. The King family business—call it MLK, Inc., or maybe "Dreamworks"—has raised eyebrows for years by jealously guarding its patriarch's writings, speeches, and even his likeness. In 1997, David Plotz published an eye-opening exposé of these practices in *Slate*. The estate, for example, once sued a company making refrigerator magnets. The problem apparently wasn't that King's image was appearing on trinkets—the family has a deal with a company that makes statuettes, and another that produces a line of checks—but that the Kings weren't getting a cut.

In 1994-95, they squabbled with the National Park Service, which wanted to build a new visitors center for MLK attractions in Atlanta. Park rangers had been con-

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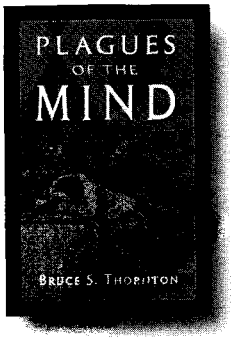

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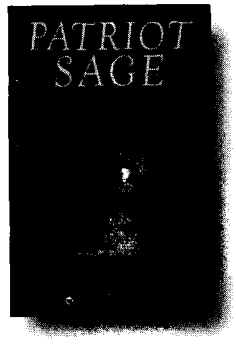

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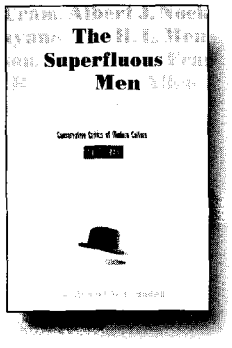

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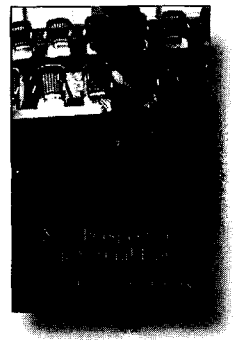

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ducting tours of King's neighborhood since 1980, and the King sites are among the most popular historic destinations in the whole park system. But Dexter King angrily accused the Park Service of wanting to "control the dissemination of history." Without warning, the family locked the door to the King birthplace. Added Mrs. King at a press conference: "The same evil forces that destroyed Martin Luther King are now trying to destroy my family. We are more determined than ever that they who slew the dreamer will not slay the dream." This heated rhetoric belied another purpose: The Kings wanted to transform the family-run and financially strapped Martin Luther King, Jr. Center for Nonviolent Social Change into a glitzy theme park backed by corporate sponsors. They didn't want to have to compete with park rangers. The King birthplace eventually reopened, and the Park Service built its new complex in time for the crush of Olympic tourists, but the episode seriously damaged the King family's standing among locals.

The Kings didn't help matters a few years later when they made nice with MLK assassin James Earl Ray. Dexter even

King has become a Midas from beyond the grave; everything he touched is now worth money.

shook the hand of his father's killer on CNN, and is now working with a onetime Ray lawyer to prove that the late gunman was nothing but a bit player in an elaborate plot. (This idea has very little credibility, and was thoroughly debunked in Gerald Posner's *Killing the Dream*.) It's tempting to excuse this strange behavior as the tragic emanations of a confused son—except that the Kings have a financial stake in keeping the conspiracy theory alive: Hollywood fantasist Oliver Stone is currently working with the King family to develop a film, tentatively titled *Memphis*, on the subject.

It's not as if the Kings were desperate for money. They agreed to a multimedia venture almost three years ago with Time Warner to produce MLK-related books, CD-ROMs, and websites. Dexter once predicted the arrangement would be worth up to $50 million. Blockbuster deals like that are what make the family's vigilance regarding the "I Have a Dream" speech so unseemly; they nickel-and-dime just about everybody. Julian Bond has complained that the price of a book he wrote to teach civil-rights history jumped by $10 or $15 because it includes four King documents in its 824 pages. MLK himself was a great advocate of education. How does the family square this type of behavior with King's legacy? Just ask Philip Jones, the family's top financial adviser. "Let me tell you something: The next phase of Dr. King's nonviolent social change is economic empowerment," he told *Newsweek* last year.

That sort of talk has concerned many of the older civil-rights crusaders. "King's dream is deader than Martin Luther King, Jr.," Rev. Hosea Williams, a onetime King associate, told the *Ottawa Citizen* two years ago. "But it wasn't white racists, nor was it the white government that did it; the people who killed King's dream are those closest to him, and that's the nightmare."

King has become a Midas from beyond the grave; everything he touched is now worth money. Collectors can't wait to get their hands on Mrs. King's home. She still lives where she did in 1968, and she still owns her husband's car, clothes, and the briefcase he was carrying on that fateful day in Memphis, with its contents intact. But the most numerous and valuable King artifacts may in fact be his papers. The family recently asked Sotheby's to appraise a stash of MLK documents stored in the King Center, and the auction firm valued them at $30 million.

The Library of Congress craved the King papers even before the man died. But it had made little progress until last summer, when James Billington, who heads the library, was by chance seated next to Yancey Martin, a veteran of the civil-rights movement, at a Washington function. They were strangers, but Billington noticed Martin greet Mrs. King with a friendly embrace. When Martin returned to his seat, Billington mentioned how much he wanted to secure the papers—he was especially eager to get them in time for the library's 200th anniversary in April 2000. Martin put Billington in touch with Rep. Clyburn, who helped arrange an August 21 meeting at the King Center attended by Mrs. King, Dexter, Jones, Clyburn, Rep. Cynthia McKinney, Billington, and a Library deputy. The Kings emphasized the $30 million Sotheby's figure, but said they would sell the papers to the library for $20 million. The $10 million discount, Dexter explained, would make the papers a substantial "gift to the nation"—and the Kings would write it off their taxes.

After the meeting, Billington expressed concern about the high price tag. He thought he could raise about $10 million in private funds, but wasn't sure about the rest. "To hell with that!" said Clyburn, according to Martin. "Congress should pay the whole $20 million." And so Clyburn went to work. He signed up Rep. J. C. Watts, Republican of Oklahoma, as co-sponsor of a bill to appropriate the entire amount. He asked the White House to find a place in the budget for the purchase, and hoped to have it inserted in the end-of-session omnibus bill. It sailed through the Senate unanimously: After refusing to confirm black judge Ronnie White to the federal bench, wrangling over Carol Moseley-Braun's ambassadorial nomination, and suffering repeated charges of racism as a result, nobody in the Senate wanted to question the deal.

The House felt blindsided. "I don't know where this thing came from," says Rep. John Boehner, Republican of Ohio. But Boehner and Rep. Steny Hoyer, Democrat of Maryland, started to raise questions at a hearing on November 2. They worried that buying the King papers would set a bad precedent, by encouraging the sort of people who have traditionally donated their material (including many civil-rights figures) to expect compensation. They also wondered why the Kings would demand both money now and royalties in the future.

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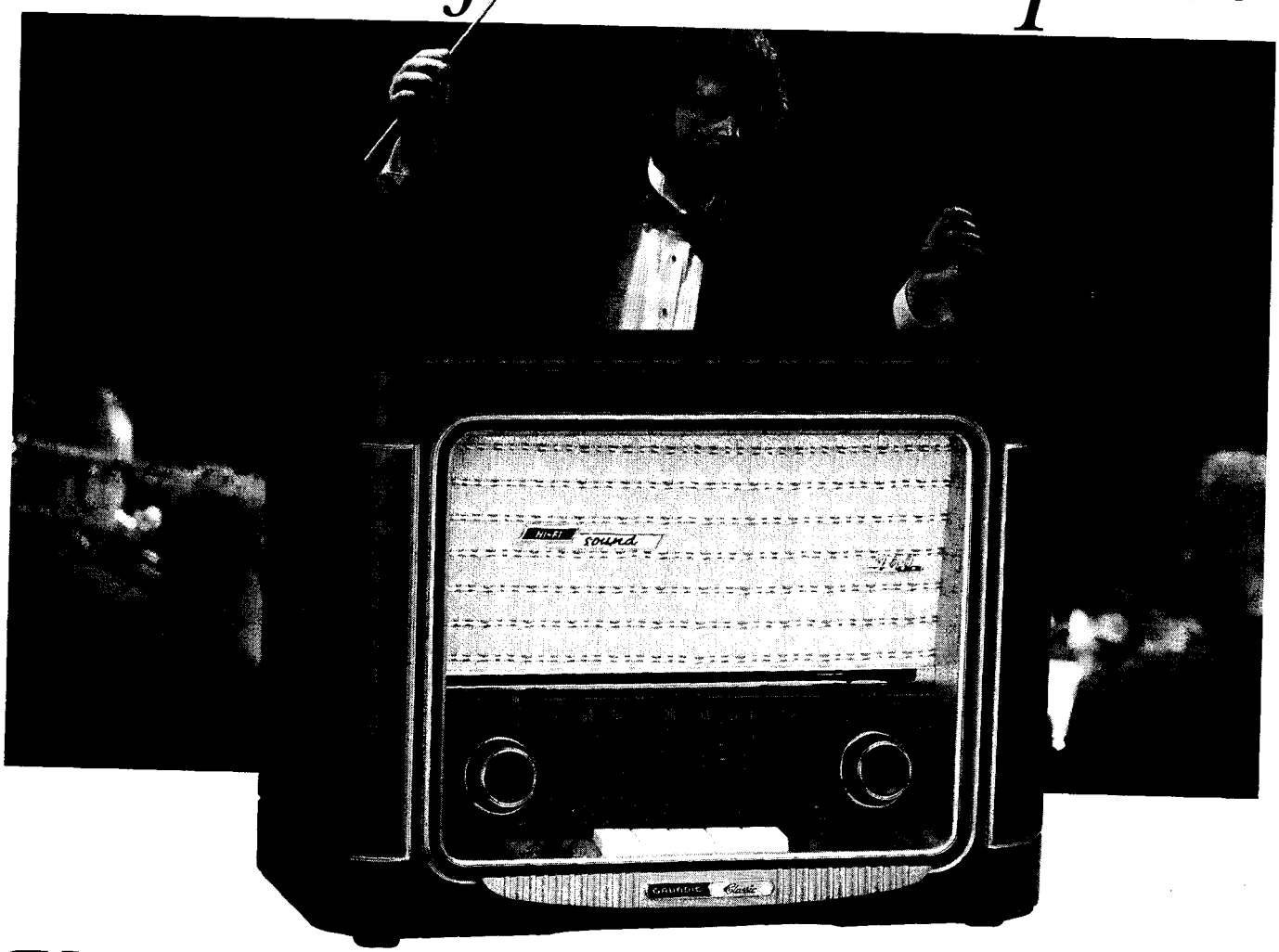

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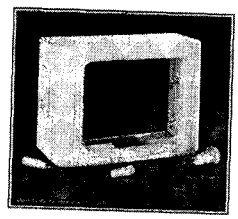

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It's true that some estates earn income from documents housed in the Library of Congress—all of Ralph Ellison's papers are there, for example, and his family still earns proceeds from sales of his novel *Invisible Man* and his other books. But then, the Ellison estate didn't receive any money from the government. It donated the papers—a true "gift to the nation."

There are other concerns, too. The so-called King papers are, in fact, only part of a larger collection. Most of King's early papers are already housed at Boston University. And many King documents currently stored at the King Center aren't even involved in the proposed $20 million transaction. That's because the King Center maintains a separate collection of Southern Christian Leadership Conference material. "There's King material in the SCLC papers and SCLC material in the King papers," says Garrow. "The idea they're separate is sort of fictional."

The distinction, in fact, is the result of an archival accident. In the late 1970s, the King Center received government grants to process and preserve documents in its library. The SCLC material had been shipped over to the King

Legally, the 'I Have a Dream' speech is owned and protected by the King estate, says a family spokesman.

Center shortly after King's assassination. The collection was also supposed to include material stored in the King family home, but this was not transferred until later. So the librarians went about processing the SCLC archive. When the King material finally showed up—this was before the rise of computer cataloging—they had to start over again by hand. "It never occurred to us that these two collections would be thought of separately," says Louise Cook, who served as a King Center archivist for ten years. "They are inextricably linked."

But the SCLC material isn't for sale. Yet.

The purchase of the King papers once appeared to be on the legislative fast track, but now it probably won't happen until next year, if at all. Rep. Boehner, for his part, would like to see the papers find a home at the Library of Congress. But he's troubled by what he's seen so far. "The CBS lawsuit really concerns me," says Boehner. "If the government actually buys these papers, it ought to own them."

Americans might have thought that when MLK earned a national holiday, it signaled that he and his legacy belonged to everybody, like Washington and Lincoln. The King family begs to differ, and remains unapologetic. "The ["I Have a Dream"] speech does belong to the ages spiritually, it belongs to all people spiritually," said Philip Jones, who often speaks for the Kings on financial matters, in 1997. "But legally, it is a document that is protected and owned by the King estate."

Send your money, preferably in the form of MLK checks, to Atlanta. **NR**

Colombia's Hell

Fear grips a nation

ANTHONY DANIELS

SCIENTIFIC socialism may be dead, but scientific extortion is very much alive. In Colombia, information technology has transformed kidnapping from an art into a science.

When the guerrillas there hold up a car or a bus, they tap the names of the passengers into the laptop computers that are now as essential to their operations as their automatic weapons. A database, using information taken from bank records or from tax returns in the Ministry of Finance, informs the kidnappers who is worth what. Let the ransom fit the assets! Ranging from $60 to $1 million, the revolutionary tax, as the guerrillas call it, is steeply progressive: so steeply, in fact, that the guerrillas derive as much from it as from the cocaine trade. They are the richest guerrillas in the world.

The revolutionary tax is also known as *la pesca milagrosa*, the miraculous catch. The guerrillas believe that the road to heaven is paved with intimidation. And since the end justifies the means, all the pious sentiment in the world—such as that expressed recently when millions of Colombians took to the streets to march in favor of peace—will not deter the guerrillas in the slightest.

I was told that foreigners in Colombia are eminently *secuestrable*—kidnappable. As the dirty war in Argentina introduced the world to the concept of passive suicide (for example, "X was suicided last night at police headquarters"), so the conflict in Colombia has enriched the world by the notion of kidnappability. Blue eyes alone, I was told, were sufficient to render their possessors vulnerable—for one was thereby recognized as being either a member of the Colombian elite or a rich foreigner. Who says now that biology is not destiny?

The use of kidnapping is criminal, of course, but it does not follow that those who perpetrate it are mere criminals. They are more important and dangerous than that: They are political utopians who use (as all such utopians eventually must) the methods of bandits. And these methods are proving very effective indeed, for they are fast reducing the status of the constitutional president of Colombia to that of mayor of Bogotá. His writ runs only in the cities of his country, and even in the rural areas nominally under his control the influence of the guerrillas is strong and growing.

So insecure has Colombia become that it is now unsafe for anyone with tangible assets to leave any city by land. None of the major cities is securely accessible from any other by

Mr. Daniels, author of *Utopias Elsewhere*, is a doctor who lives in England.

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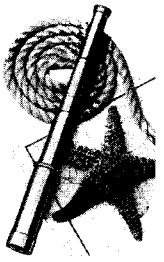

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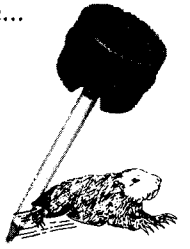

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road. All but one route out of Bogotá have been attacked, trapping the middle classes in the city and inducing a state of paranoid claustrophobia among them. If they want to go anywhere, they have to fly—but not long ago, an Avianca flight from Bucaramanga to Bogotá was hijacked, and some of the hostages have not yet been released. The entire congregation of a church has also been kidnapped—the whereabouts of 150 people are still unknown—and likewise a pleasure launch on the Pacific coast. No one knows where the kidnappers will strike next—and there are so many government soldiers in the political heart of Bogotá that it has the atmosphere of a city awaiting a final assault by a besieging army. Outside the railings of the presidential palace, soldiers with semi-automatics stand guard at intervals of three feet.

If the cities of Colombia are under siege, their citizens are doubly so: Common crime, responsible for 80 percent of the murders in the country, flourishes in the shadow of political insecurity. The visitor to Colombia is soon reduced to a state of incipient psychosis by the advice he receives from well-meaning Colombians. For example, do not, on any account, show your identity papers to a policeman who asks to see them. He might not be a policeman; but even if he is, he might very well fail to return them in an attempt to extort money.

AP Photo/Ricardo Mazalan

Rebels from the Revolutionary Forces of Colombia (FARC) on the march

To hail a taxi in Bogotá is no longer a simple matter. On no account should you hail one in the street: It might be a false taxi, whose driver is in league with criminal gangs, on the lookout for victims. And even if it is a real taxi, the driver might succumb to the temptation to make extra money by delivering you not to your destination, but to criminal acquaintances of his.

No: You must telephone a trustworthy company. Because criminal gangs intercept the radio messages of taxi companies, however, and send false taxis around to waylay unsuspecting customers, you must note the registration number of the taxi that is being sent to you and refuse absolutely to get into any other. And the taxi driver will also ask you for the last two digits of the telephone number from which you called, to ensure that he is picking up the right passenger and not someone who will take the opportunity to rob him.

The Colonial Art Museum in Bogotá is the only art gallery I know where the custodians carry guns. Throughout the city, uniformed security guards proliferate like private armies, soldiers stand guard outside fashionable apartment blocks where prominent *secuestrables* live, and there are many training schools for security staff. In the old part of Bogotá known as La Candelaria, I was told, robbers frequently dress smartly to deceive their victims. Distrust in Colombia is now mutual and multidirectional. The general rule is, Suspect everyone of everything, do not assume that anyone is who he appears or claims to be, impart the minimum amount of information to as few people as possible, and maintain your vigilance at all times. This advice is all the more striking because everyone you actually meet is helpful and agreeable. On the brink of disaster, manners are maintained.

But the savagery of the crimes reported daily in the newspapers is enough to make the steadiest hand tremble. In Colombia, mutilations of murdered victims have their own names: for example, the *corte de corbata*, the tie-cut, which consists of the removal of the victim's tongue and its placement below the fatal gash in his neck; or the *corte de florero*, the florist's cut, which consists of the replacement of the decapitated head of the victim by his hands and feet, like a bouquet of flowers.

In the past, the Colombian economy has always grown despite the successive waves of violence that have engulfed the country; but this latest wave has been accompanied by an economic recession, in part brought about by the new-found financial rectitude of the banks, which until recently accepted deposits without asking questions as to their provenance. In an attempt to clean up the country's image, all that has now changed, with the result that internal investment has dried up: Colombian depositors now go elsewhere. Every other house in the colonial heart of the city of Cartagena is for sale, and Colombians who can are leaving the country in unprecedented numbers.

But it is the guerrilla war that is causing Colombia's rapid decomposition. There are two main rebel groups, the ELN and the FARC, which field perhaps 5,000 and 15,000 men respectively (in 1990, the FARC had only 1,000 men under arms). If current rates of growth are maintained, they will double in a few years. The FARC, to whom the Colombian government has conceded exclusive control of an area three times the size of El Salvador, runs training camps for recruits, many of them still children, and some of them lured from Ecuador (undergoing its own economic crisis) with the promise of a "job." The FARC also produces armored vehicles from converted road-building equipment, looted from areas outside its control. The nature of the war is thus changing, from irregular skir-

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mishes to full-scale battles—in which the Colombian army, bureaucratically led and manned largely by conscripts from the lower classes, has not excelled. Few Colombians want the guerrillas to win, but fewer still are willing to die to preserve the state.

How have two Marxist guerrilla movements managed not only to survive in Colombia, but to prosper to such an extent that there now is a real possibility that they will eventually overthrow the constituted government? Have they not heard of the end of the Cold War? Do they not know that the tide of history is against them? A few years ago, Colombia was regarded as one of the least likely of Latin American countries to fall into the hands of a revolutionary movement. Now the position has been reversed, and it is the only one likely to do so.

The defeat of Communism elsewhere has actually helped the Colombian guerrillas. They now depend on no external funding, but have found very large economic resources within Colombia itself. The expansion of the guerrilla movements is the consequence not of poverty but of wealth—and it is no coincidence that the political violence in Colombia is worst not in the poorest but in the richest parts of the country. The guerrillas have muscled in on the economic bonanzas that have fueled the Colombian economy in the last decade and a half. The ELN specializes in extortion from the oil companies that pay it large sums not to blow up the oil pipelines (though sometimes they still do so, *pour décourager les autres*, as in the village of Machuca, where 74 villagers were burned to death). The FARC, by contrast, specializes in controlling the cocaine trade, levying a tax on growers and processors. And of course, where there is money there are *sequestrables*.

The end of the Cold War has not only made the purchase of arms on the international black market much easier for the ELN and the FARC—who are liberated from the need to find sponsors and patrons—but has made the United States less anxious about the prospect of a guerrilla takeover. At the height of the Cold War, concerns about Colombia's human-rights record might have been considered something of a luxury, obstructing the primary goal of preventing another country from falling into pro-Soviet hands; but now such

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Have they not heard of the end of the Cold War? Do they not know that the tide of history is against them?

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Landmark Legal Foundation Announces Edwin Meese III Legal Fellowship

Landmark Legal Foundation, one of the nation's leading conservative public-interest law firms, seeks a highly qualified individual to serve as the first Edwin Meese III Legal Fellow. The successful candidate will exemplify the qualities of leadership, integrity and commitment to America's founding principles that Mr. Meese has demonstrated throughout his lifetime, including as Counselor and later Attorney General to President Ronald Reagan.

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concerns have moved center stage in the elaboration of policy. And it is the activities of the extremely ruthless paramilitary organizations, for whose existence and conduct the Colombian government is blamed, that exercise the human-rights lobby.

The fact is that the guerrillas in Colombia are opposed not so much by the army as by paramilitary groups organized and funded by landowners. Many of these are *narcotraficantes*, who bought their land from ranchers intimidated by the guerrillas into selling their property, and who are no strangers to the organization of violence. The paramilitaries operate on the principle that the only effective response to revolutionary terror is even greater counter-revolutionary terror, and the army looks on their activities with benevolent neutrality. The lesson of the Guatemalan insurgency has been learned: that if counter-revolutionary terror is sufficiently brutal, the guerrillas lose sympathy and support, for their claim to represent and protect the interests of the peasantry is exposed as a sham.

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Human-rights groups are inclined to blame governments more than the insurgents whose activities predictably bring about the catastrophic situation.

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The paramilitaries are most numerous and active where the guerrillas are most numerous and active. The army does not oppose them because they are doing its work for it, and in any case it is in no shape to fight on two fronts at once. But the covert or implicit use of brutal paramilitary organizations has its costs. The image of the Colombian government, both within and outside the country, is severely tarnished. Thanks to residual guerrillophilia among the Western intelligentsia, who believe that rebellion in distant countries is its own justification, human-rights groups are inclined to blame governments more than the insurgents whose activities predictably bring about the catastrophic situation.

What do the guerrillas want? One of the FARC's *comandantes* told the Spanish newspaper *El País* that the FARC wants to rule Colombia, a statement that was greeted almost with shock in the country, as if it were a sudden revelation. But the leader of the FARC, Mario Marulanda Velez, known as Tirofijo, has been a guerrilla for 50 years—and no one lives such a life to earn the opportunity to lose next year's elections. Far from being the freedom fighters of the romantic imagination, the guerrillas are inveterate enemies of freedom.

If they won, thus establishing the first government founded on kidnap, the rest of the world would no doubt come to an accommodation with them. But their victory could herald the start of yet another disastrous wave of revolutionary violence in Latin America, just as the tide seemed to have turned against it forever. **NR**

Horror at Hillsdale

Low times on a conservative campus

JOHN J. MILLER

Hillsdale, Mich.

SHORTLY after noon on October 17, Lissa Roche unlocked her husband's gun cabinet and removed a .38 special. She stepped out of their kitchen door into the backyard, crossed the grass, and went through a wooden gate leading to the Hillsdale College arboretum. She proceeded down a narrow trail to an open hollow with a stone gazebo. She sat down, placed the barrel of the gun behind her ear, and pulled the trigger. When her husband, George Roche IV, arrived just minutes later, her flesh was still warm to the touch. But she was dead.

The suicide of Lissa Roche has reverberated throughout the entire conservative movement.

Tucked away in rural Michigan, Hillsdale College may seem no different from any other small liberal-arts school in the Midwest—yet it is one of the most important institutions in American conservatism. It is a college that teaches a traditional curriculum, promotes intellectual diversity, and refuses to accept a penny of federal aid. For conservatives, Hillsdale is meant to be a model for how higher education should work.

But Lissa Roche's suicide has ruptured the college, guaranteeing that Hillsdale will long be known as the school whose prominent president, George Roche III, allegedly conducted a 19-year affair with his daughter-in-law, who was the mother of his grandson and an employee of the college. "Hillsdale College has been overwhelmed by this crisis," says Gleaves Whitney, an aide to Michigan governor John Engler. Whitney has been in daily contact with the school's administration. "It may take a long time for the college to recover."

George Roche III arrived in the sleepy town of Hillsdale, just north of where Indiana and Ohio meet along the Michigan border, in 1971. As president, he would almost single-handedly transform the place, making it famous on the right as an intellectual hub that features a world-class lecture series, holds the libraries of Russell Kirk and Ludwig von Mises, and publishes a monthly newsletter reaching nearly 1 million readers. The school also boasts a $184 million endowment suitable for a college many times its size. Roche, in fact, was one of America's best conservative fundraisers. In his 28 years as president, he brought in more than $324 million, including some $45 million last year.

Hillsdale needs all of this money because Roche, for most of his presidency, refused to buckle under pressure from the federal government to alter admissions policies for the sake

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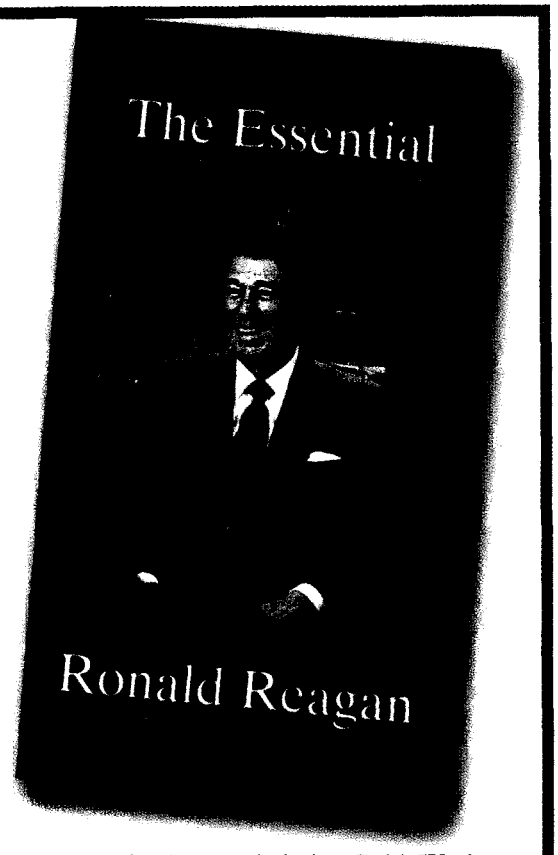
Once upon a time, before the Oval Office became infamous for groping and coffees, cigars and impeachment, thongs and stained dresses, America had a real president. A man of whom we were proud—RONALD REAGAN.



It is the conservative curse: Whenever you see the current Oval Office occupant on television or in the newspaper, from deep within emerges the lament—how *low* we have fallen in a decade, when a real man led our great nation.

How we miss Ronald Reagan! His presidency was a time of *pride*. It brought the world victory over the Soviet Union's reign of terror. It restored international respect for America. It gave us historic tax cuts and reduced the size of government.

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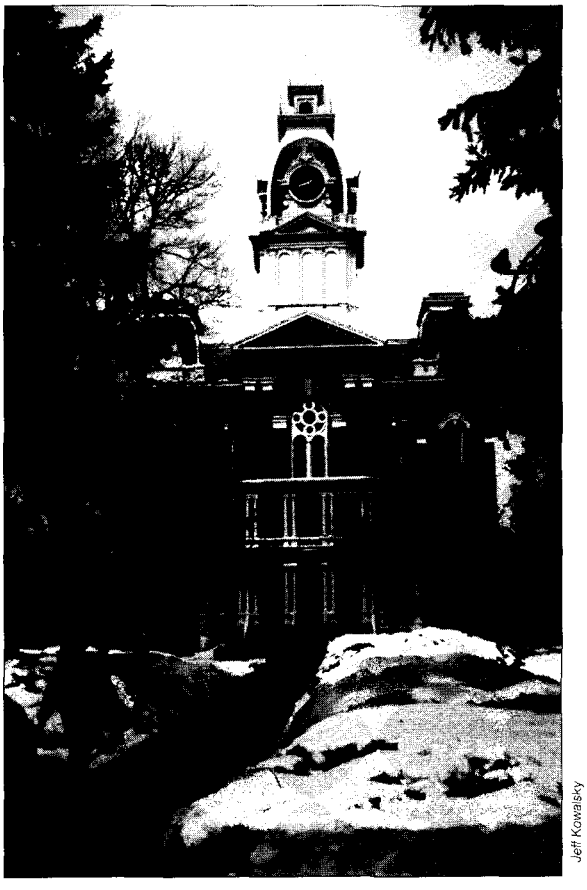
of affirmative action. In 1985, it even became necessary to tell students they could not accept GI Bill benefits or Pell grants, because the Supreme Court ruled that this would make Hillsdale "a recipient of federal funds" and subject to the coercive dictates of Washington regulators. Roche cited Hillsdale's impressive history of nondiscrimination—it was admitting women and blacks before the Civil War—and refused to budge. He became a hero to conservatives, a plucky David who stared down the federal Goliath.

Hillsdale's isolation is one of its major appeals to students (there are currently 1,138) and parents. Removed from the distractions of big cities and political correctness, the college seems an ideal place to focus young minds. Yet there had long been rumblings that not all was well.

A number of professors have said that they were fired, and several students have claimed that they were expelled, for clashing with Roche or the administration. In 1988, the American Association of University Professors censured Hillsdale for "inadequate protection against an improper exercise of administrative power." The student newspaper has been censored. For many years, there was a feeling that Roche had not only built Hillsdale, but lorded over it. In 1996, an unnamed former employee told the *Chronicle of Higher Education*, "It's a rather Stalinist kind of environment." Hillsdale's greatest assets—its remoteness and Roche—were simultaneously severe weaknesses.



Jeff Kowalsky

Hillsdale College, Main Hall

In the late 1970s, Roche's elder son, George IV (nicknamed "I.V.," pronounced "eye-vee"), attended the college. There he met Lissa Jackson, a classmate. They fell in love and married. In 1980, Lissa and George III (President Roche) began an on-and-off affair, which lasted until her death—this, according to Lissa herself, who told this story in the final hours of her life.

For years, there had been speculation on campus about Lissa and President Roche. As Ronald Trowbridge, a vice president of the college, puts it, "A lot of us suspected that Lissa might have been in love with George." But the speculation had been confined to whispers and rumor.

President Roche himself was married to June Bernard Roche, the mother of his four children. But in August 1998, after 44 years of marriage, he filed for divorce. Mrs. Roche moved out of the president's home—known as Broadlawn—and into another house in town. Roche asked I.V. and Lissa to move into Broadlawn with him, ostensibly to look after his aged mother. Lissa was excited; I.V. resisted. But they went. At this point, according to I.V., he had no knowledge of an adulterous relationship between his father and his wife.

The divorce between President and Mrs. Roche was finalized in April 1999. At about this time, I.V. began to suspect an affair. Then, in early September, a new woman appeared on the scene with President Roche—Mary Hagan. President Roche announced his intention to marry her, and a wedding was hastily scheduled for September 13. Lissa and I.V. were asked to move out of Broadlawn. They returned to their old residence, just down the street, but Lissa was extremely jealous. The marriage between Lissa and I.V. became very tense. She actually left I.V. for a few days and distributed a memo to colleagues announcing plans to divorce him, shortly before the wedding of President Roche and Mary Hagan. But she returned, and I.V. hoped they would resume their normal life.

On October 15, I.V.—a history lecturer and physical-education teacher at Hillsdale—was playing racquetball at the athletic facility (the George Roche Health Education and Sports Complex). Lissa was at home. President Roche showed up at I.V. and Lissa's house with the news that he was going to dump the wife he had just married. He asked Lissa to move back into Broadlawn, with I.V. Lissa was ecstatic, and rushed down to the sports complex to tell I.V. the good news.

The next day, Saturday, October 16, was a quiet one. Then, at about 1 A.M., I.V. was awakened by a phone call from his father's wife. She said that his father was having a diabetic insulin reaction. This typically happened to President Roche once or twice a year. Says I.V., "It was an old drill." He called 911, drove a few seconds up the street to Broadlawn, and went to the hospital with his father. He stayed there with him until about 3 A.M.

Returning home, he reported to Lissa what had happened, adding, "By the way, it looks like Dad and [President Roche's new wife] have reconciled." She said, "Oh, sh**! Oh, no!" and sped to the hospital by herself. She was there only briefly; the new Mrs. Roche asked her to leave.

Lissa returned home and went back to sleep. I.V. woke up around 8 A.M., as Lissa was leaving to check on I.V.'s grandmother at Broadlawn. Although it was Sunday morning, I.V. had a class to teach, out in a field about seven miles north of town. It began at 10:00 and was to last until 1:00. At 10:30, however, President Roche's secretary, Pat Loper, showed up at the field. Lissa was threatening suicide. She had done so in conversation with President Roche, apparently over the phone.

I.V. raced back to Broadlawn. Lissa was very upset and

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insisted on going to the hospital with I.V. They arrived there about 11:00. In the room, in I.V.'s account, were President Roche (lying in bed), the new Mrs. Roche, I.V., and Lissa. At this point, Lissa made a full confession. In a highly emotional state, she blurted out that she and President Roche had been having a years-long affair. I.V. turned to his father and asked, "Is she telling the truth or is she having a breakdown?" President Roche, says I.V., "didn't say a word. I could tell by looking at him that she was telling the truth. I saw the look in his eyes. He was caught."

Lissa and I.V. returned to their home. Said Lissa, "You need to go back and see your dad and tell him we all need to leave Hillsdale and go somewhere else and start over." I.V. did just this. His father rejected the idea and also, his tongue recovered, categorically denied that there was an affair. While at the hospital, I.V., concerned about Lissa's suicide threats, tried to reach someone who could counsel his wife. He then went back home. When he got there, Lissa was sitting in front of the fireplace. They spoke briefly, but Lissa asked I.V. to go up the street to check in on his grandmother. I.V. was reluctant to do this, but hopped in his red pickup truck and made the short trip.

When he got to Broadlawn, he saw that his father and Mrs. Roche had just arrived, so he turned right around and went back home. He was gone for no more than five minutes, he says.

Back at home, he sensed that the house was empty. He raced through it twice. He then noticed that the kitchen door leading to the backyard was slightly ajar. He opened it, stepped into the yard, and saw that the gate leading to the arboretum was open. He bolted down the same path that Lissa had used, and, from a distance, spotted her lying in the gazebo, with blood on her shirt. He cried, "No! No! No!" as he ran toward her body. It was still warm, but "there was a look of death in her eyes."

All of this is, of course, a horrendous personal tragedy—but also, in certain respects, a public one. Lissa Roche had been a rather big deal at Hillsdale. She was managing editor of its high-circulation newsletter, *Imprimis*. She was well known by important conservatives as a contact person for the college. It was often she who would invite guests and escort them around campus.

In the hours and days after the suicide, I.V.—who had suffered blows that stagger and sicken the imagination—began to sense that the college was going to spin the suicide: He believed it was going to suggest that Lissa had simply gone crazy. And that, he insists, "is just a f***ing lie."

So he started to talk to friends, and ultimately went to the administration. On October 27, he met with Robert Blackstock, then provost, and told his story. Blackstock spoke to Trowbridge, vice president for external affairs, who in turn called the chairman of the board, Donald Mossey,

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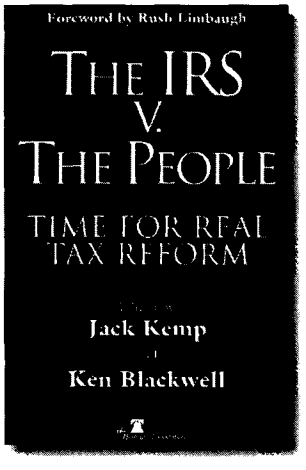

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Mossey, saying, "We have a problem." Trowbridge went and heard I.V. himself, and considered the information devastating.

There ensued a flurry of conversations among Hillsdale brass. Roche had gone off to Hawaii for his honeymoon. On November 1, an executive committee of the board heard the evidence, via a conference call (Trowbridge was in Oxford, England, where his daughter is attending school). That same day, the board placed Roche on a leave of absence. It announced this fact on November 4, with a cryptic statement that only attracted further interest. The lid was coming off.

An emergency meeting of the full board was called for November 10. Roche flew back from Hawaii early. This was a trustees-only meeting—no staff, no others. Trowbridge, speaking for the prosecution (so to speak), made his presentation. He said, roughly, "We will never know the truth. But the perception of the truth is what condemns President Roche. He cannot retrieve his credibility. There are only two people in the world who know for certain what happened—one is dead, and the other is denying everything." Yet, he continued, there was compelling circumstantial evidence. Trowbridge had worked for Chief Justice Warren Burger in the 1980s, and he recalled for the board something that Burger had once told him: "Circumstantial evidence is the most damaging evidence there is, because it's the most difficult to arrange."

Trowbridge left the room. In came President Roche, with his new wife, who sat silently beside him during the meeting. Roche began by saying (again, roughly), "I understand this is over. I can't fight the perception. I can't continue as Hillsdale president." That cleared the air, in a way: Roche wouldn't contest his departure. He then swore that he had not had a sexual relationship with his daughter-in-law, "with God as my witness"—a powerful statement in a roomful of conservative trustees. Choking up, he said, "I loved Lissa, and Lissa loved me. I think she got very, very confused." He blamed himself for not recognizing the problem. In this, he seemed to be spinning out a "fatal attraction" scenario, the one so offensive to I.V.

On that day, the board and Roche issued a pair of statements, announcing Roche's mutually agreed-on retirement. If Roche hadn't resigned, he would have been fired—and stripped of a considerable retirement package he was already scheduled to receive. Blackstock was named acting president. The board also appointed a search committee—composed of William F. Buckley Jr., William J. Bennett, and three trustees—charged with finding a new president for the first time in nearly three decades. Roche, according to his daughter Maggie Roche Murphy, will leave the town of Hillsdale but live in the area for the near future. "We are happy that he has retired so that he can spend more time for himself and his family," she says. Roche himself declined to speak to this magazine.

On November 11, the college held an all-school convocation, at which speakers made references to "recent distressing events." Blackstock issued a memo to students, faculty, and staff citing Roche's "right of privacy" and commenting "there are things that we do not know, and that cannot be known." Many students have been frustrated by talk like this. They are angry at the administration for not dealing with them forthrightly enough. Others just want the whole thing to go away.

But that won't happen anytime soon. Sometime after the convocation, Trowbridge changed his mind about President Roche. "I am now of the opinion he didn't do it," he told NR on November 16, refusing to elaborate. This about-face had one immediate effect: Bennett resigned from the presidential search committee. "Hillsdale's position is incoherent," says Bennett. "If they believe it's seriously plausible Roche didn't do it, they cannot let him leave." Bennett added that in recent days he has received phone calls from the Hillsdale administration characterizing Lissa Roche as "a pathological liar." [Mr. Buckley's editorial statement appears earlier in these pages.]

The town of Hillsdale is reeling. The college is confused. At the Hillsdale Motel, they have put up a little saying on the marquee: "Some family trees suffer from lack of pruning." **NR**

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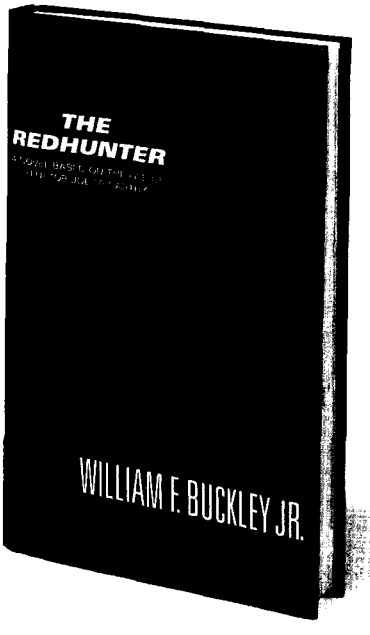

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- **There were significant drops in the use of illegal drugs reported, including heroin, cocaine, marijuana and benzodiazepines.**
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- **There were no overdoses from heroin prescribed by the program.**

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Common Sense for Drug Policy, Kevin B. Zeese, President
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Robert Ali et al, "Report of the External Panel on the Evaluation of the Swiss Scientific Studies of Medically Prescribed Narcotics to Drug Addicts," The World Health Organization, April 1999.

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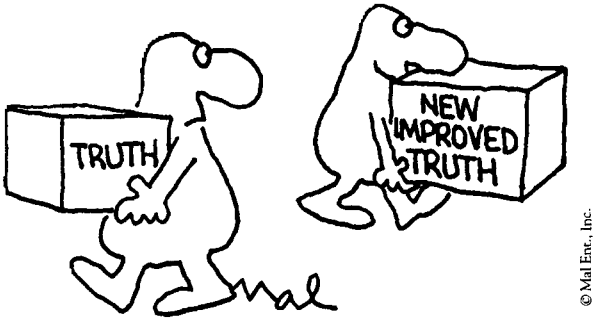

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"No aspirin for me. Someday a reporter may ask me if I ever used drugs, and I want to be able to say no."

In the Holy Land

Like King Richard, Hillary
Had her ups and downs as she
Sat through Mrs. Arafat;
Back in Big Town, where the rat
Voters smelled turned out to be
Her and not the GOP,
Rodents following the polls
Scurried down familiar holes.

—W. H. von Dreele

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THE VICE PRESIDENT
WASHINGTON, D.C.

November 18, 1999

Dear Rust:

Did you see that freakin' game last night? Did you see the Cowboys move that ball? I was so incredibly stoked to watch that! I was like, whoa!

(Actually, Rusty, this "alpha male" stuff is pretty fun. I especially enjoy the emphasis on male-to-male bonding, which is, as you know, somewhat difficult for me. I had a confusing relationship with my real father. My other "father," Marty Peretz, while nurturing in many respects, is also a classic "withholder" of affection and approval. As a consequence, according to Naomi Wolf, I have a tendency to crave unconditional acceptance from male authority figures and to appear slavishly loyal and subservient. This is not true, of course, as Bill Clinton, one of the greatest presidents ever and a man of whom I disapprove while supporting completely, can attest to.)

You know what I'm going to do to Bill Bradley, Rust? I am going to kick his ass, that's what. And do you know why? Because I am the top dog.

(What I'm trying to do is establish my bona fides as a fighter, Rusty. This isn't as easy as you'd think for a rugged, outdoorsy Vietnam vet like me. But I'm having a hard time getting through to the voters. They see me in my hiking boots, eating trail mix and looking deeply moved in front of our nation's most stunning natural scenery, and they think, "He's not really like that." Which is weird because I am so really like that. They see Bill Bradley as the "real" guy and me as the "not real" guy, which is totally crazy. I'm real, Rusty. I'm totally real. And with Naomi's help, I'm only going to get more real. I am my own man, Rusty. And I've got the focus-group responses to prove it.)

Boy, do the chicks dig me. They're totally into me, Rust. I show up in my four-button tan suit and they're all like, "whoa!" and I'm all like, "hellllllllooooooo, ladies." (You know, this one Tipper isn't so crazy about. She thinks it's hard for me to pull off. But honestly, I think she's just jealous. Or worried that it'll develop into a Bill-type situation, which is pretty unlikely.)

I'm human, okay bro? I make mistakes like any other dude. Got a wife who gives me grief. Got kids. Love 'em, of course, but hey! Did you see that freakin' game last night? Did you see Green Bay move that freakin' BALL????

(See, the point here, as Naomi has explained it to me, is to show my "authentic" side. This is going to be an election about "authenticity," Rusty—and I for one am thrilled about it. Just thrilled. No one excels more at being "authentic" than I do. I've had eight years of studying the master of "authenticity," Bill Clinton. Besides being one of our greatest all-time presidents, he's also been the most "authentic." Though when I said this to Naomi, she got very angry at me and told me to stop acting like a frightened pupil and to start acting like a real man at peace with his identity. So I apologized profusely and I think she got over it. I hope she likes me, Rusty.)

Hey, this is who I am, okay? You want authentic? I got authentic out the ying-yang. You like me, fine. You don't, you can kiss my lily white—

(Because I don't really care who wins or loses, Rusty. I mean, I do, obviously. I wouldn't be trying so hard to look like I'm not trying so hard if I didn't. But ultimately, as Naomi says, the more I look like I don't care how high I am in the polls, the higher I'll be in the polls.)

Gotta go, buddy. The wife is on my butt.

I love you, man! I totally mean it! High five!

Your alpha bud,

Al

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BOOKS, ARTS & MANNERS

Status Anxiety

STEPHAN THERNSTROM

The Big Test: The Secret History of the American Meritocracy, by Nicholas Lemann (Farrar, Straus, 406 pp., $27)

Nicholas Lemann by Roman Genn

PROPONENTS of racial preferences in higher education are on the defensive these days, having suffered major defeats in the *Hopwood* case and in battles over ballot propositions in California and Washington. Most recently, fear of legal challenges has led both the University of Virginia and the University of Massachusetts to back away from the race-driven admissions policies they have pursued for decades. We are not yet at the beginning of the end. But we may at least have reached the end of the beginning.

For many years, advocates of preferences claimed that all they wanted was to give minority applicants just a bit of a break, a slight edge to compensate for the fact that the playing field was not yet level. Race, they always said, was "just one factor among many" in the admissions process. It has become harder to keep singing that tune, because so much evidence to the contrary has leaked out. Although William G. Bowen and Derek Bok's 1998 brief for preferences, *The Shape of the River*, offers the familiar "just one factor" argument, the authors' own statistics demonstrate beyond all doubt that black applicants admitted to elite schools in 1976-77 and 1989-90 (the two years studied) were given a huge boost because of their race.

A huge boost, that is, if you think that objective measures of academic qualifications like SAT scores are meaningful. But admitting black students with scores 300 points lower than those of their white and Asian classmates is not giving an unfair preference, if you maintain that the SATs are so riddled with racial and class bias that they tell us nothing useful about the cognitive skills and intellectual potential of applicants.

Denying the validity of standardized tests has become the fallback position for preference advocates, and it is the central argument advanced by Nicholas Lemann in *The Big Test*. Lemann claims, extravagantly, that standardized tests are nothing less than "the organized way we have of deciding who ends up where in American society." A high score, he asserts, guarantees you not only a spot in a top school, but success later in life. A low score dooms you to a mediocre college at best, and blights your career prospects. And that is scandalously unfair, in Lemann's view, because the SAT, the Law School Admissions Test, the Medical College Admissions Test, and all the rest mainly measure your social-class background. Since the tests determine who wins and who loses in life, in his view, they serve to perpetuate the existing racial and class hierarchy. To make our educational system and, indeed, our entire society more egalitarian and democratic, the tests must go.

Part I of *The Big Test* provides a short history of the origins and development of the Educational Testing Service. The prime mover behind it was James Bryant Conant, who in 1933 assumed the presidency of Harvard University determined to transform its student body, replacing those more distinguished for their breeding than their brains with bright young men from the provinces. Some sort of national test of academic ability seemed essential to accomplish that end, and Conant enthusiastically backed the fledgling ETS in its attempts to develop one.

What was the point of a standardized national test of academic ability? Suppose you had one remaining spot in the freshman class and had to choose between a banker's son who attended Groton and a plumber's son from Kalamazoo High, both with 3.5 high-school GPAs. The blue-blood types who manned Ivy League admissions offices in those days would have taken the Groton man every time. But if a national test of scholastic aptitude ranked the student from Kalamazoo in the 99th percentile and the one from Groton in the 79th percentile, Conant believed that the plumber's son would be seen as obviously more promising. A valid test of academic ability would provide a common yardstick, a means of calibrating the records of students from schools of unknown quality.

Opening the door to such a promising young man would seem a clear step forward, and at times Lemann recognizes that. He devotes two chapters to Yale,

Mr. Thernstrom is the Winthrop Professor of History at Harvard University. His critique, written with Abigail Thernstrom, of William C. Bowen and Derek Bok's *The Shape of the River* was published in the June 1999 *UCLA Law Review* and is available at www.nationalreview.com.

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tracing the changes wrought by the adoption of more meritocratic admissions standards in the 1960s. The consequences are epitomized in the story of one of his heroes, Bill Lann Lee. The son of a Chinese immigrant laundryman, Lee went from Bronx Science to Yale College to Yale Law School, a path nearly unimaginable in the days before grades and test scores were of decisive importance.

Lemann fails, though, to note the obvious implication of the Lee case: Meritocracy has allowed Asian-Americans to make spectacular gains in the nation's best schools. Though they are just 4 percent of the population, students of Asian ancestry are now a quarter or more of the undergraduates at Caltech, Columbia, MIT, and Stanford, and almost a fifth of those at Harvard and Yale. At Berkeley and UCLA, now that racial preferences have come to an end, the figure is 40 percent. If the SATs only reinforce the existing racial and class hierarchy, as Lemann maintains, why is it that Asian-American students are so disproportionately represented in elite colleges these days? James Bryant Conant certainly would have applauded this development, and seen it as proof of meritocracy.

Conant, indeed, had already lived through a very similar development that accompanied the shift to meritocratic admissions policies in Ivy League schools—the spectacular jump in Jewish enrollments. By the late 1950s, one estimate has it, 40 percent of Harvard's undergraduates were Jewish. It is curious and revealing that Lemann never mentions the Jewish success story, surely further proof that testing served to undermine, not to reinforce, the existing social hierarchy.

Part II of *The Big Test* wanders off in many directions, but the central story is the development of the University of California as the nation's largest and best public university in the 1950s and 1960s. We hear little about ETS and its SATs here. There is a somewhat tenuous link to Part I; UC president Clark Kerr believed that "the great university is necessarily elitist," an "aristocracy of intellect" based on "merit." He thought it impossible to bring all of the campuses in the UC system up to the same high level, and that a certain division of labor was necessary. Berkeley, the flagship school, would attract the most gifted students and have the most distinguished scholars on its faculty; UC-Davis and -Irvine, by contrast, would have students and teachers of good but somewhat lesser quality. And Kerr believed that SAT scores would assist admissions officers in determining which students belonged on which campuses.

Although Berkeley became arguably the nation's greatest university under Kerr's leadership, Lemann is repelled by his elitist vision. The aim of higher education in a democracy, Lemann writes, "should not be to sort out" students according to their ability, but to "teach as many people as possible as well as possible, equipping them both for work and citizenship."

If the SATs only reinforce the existing racial and class hierarchy, why have Asian-American students made such spectacular gains?

If Lemann had his way, and Berkeley were to become indistinguishable from UC-Davis, many of the best students and teachers it once attracted would doubtless decide to accept admissions or job offers from schools like Stanford, Harvard, Columbia, and Chicago. Unless all of the nation's private colleges and universities were similarly "unsorted," schools would continue to vary in the quality of their faculties and student bodies.

The SATs recede even deeper into the background in Part III, which sticks with California but jumps ahead to the battle over Proposition 209, the state constitutional amendment banning racial, ethnic, and gender preferences in all public institutions, approved by the voters in November 1996. Lemann's account of the struggle is intensely partisan. The leaders of the anti-209 forces are given long and loving portraits; those on the other side receive only the most minimal and grudging sketches. This, for example, is Lemann's sole characterization of Ward Connerly: He was a black "lobbyist and political fundraiser" in Sacramento and a tool of Gov. Pete Wilson. By contrast, we get dozens of pages chronicling the lives and times of Berkeley sociologist Jerome Karabel and attorney Molly Munger, both active in the campaign against 209.

What does a battle over a state constitutional amendment mandating race-neutral policies in higher education have to do with standardized testing? Very little, actually. The link in Lemann's mind is that a ban on racial preferences would keep many deserving blacks out of the University of California because their SAT scores were too low, but he is wrong on two counts. Race-neutrality does not mandate greater reliance on SATs or any other standardized tests in admissions. Proposition 209 leaves the University of California completely free to give SAT scores whatever weight it wishes, or none. It could decide to admit only those applicants who run the mile fastest or who perform best in a spelling bee. All that compliance with 209 requires is that "race, sex, color, ethnicity, or national origin" not be taken into account.

More important, Lemann is simply incorrect in his presumption that the allegedly biased SAT is keeping deserving black and Hispanic candidates out of the University of California now that racial preferences have been banned. He apparently does not know that in January 1998, the UC admissions office released a careful study estimating exactly how much the student body's racial composition would be altered if SAT scores were not a factor at all.

The results demolish one of Lemann's central assumptions. Dropping the SATs would require raising the GPA cutoff for eligibility at the University of California from 3.3 to 3.65, in order to avoid accepting many more students than it could accommodate. True, eliminating SAT scores from consideration would benefit Hispanics, though just a bit. Their numbers would increase by 5 percent. But for African-Americans—Lemann's central concern—the number admitted would actually *drop* by 16 percent. Asian-Americans would also lose out slightly, slipping by 3 percent. The big gainers

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would be non-Hispanic whites, whose admissions numbers would increase by 17 percent.

Taking SATs into account thus gives a small plus to Asian-Americans and a big plus to African-Americans; it depresses Latino enrollments slightly and white enrollments quite a lot. Even though blacks have much lower average SAT scores than other groups, the most promising African-American students in California have SATs that are better than their high-school records.

One might expect that the author of a 400-page volume deploring the effects of "The Big Test" on American society would find the space to provide the reader with a careful assessment of the literature on testing. For example, do SAT scores play the absolutely decisive role Lemann attributes to them in determining who gets into the most selective colleges? Not according to *The Shape of the River*, which Lemann cites approvingly. A good many whites and Asians with SATs in the 1500s are turned down by top schools, at the same time that substantial numbers of those scoring in the 1200s are admitted.

Even if SATs were as all-important as Lemann claims, is it really true that in later life it is "supremely important *where* you went to college"? Lemann is a graduate of Harvard and still seems afflicted with a trace of Ivyitis. People with degrees from Ivy League or comparably select institutions do not dominate any important arena of our national life, and it is questionable whether having attended a brand-name school confers great advantages over the long run. The latest study of this issue—by Alan Krueger of Princeton and Stacy Berg Dale of the Mellon Foundation—concludes that the prestige of the college attended by a large sample of 1976 freshmen had no effect whatever on their earnings 15 years after graduation. Research on the educational backgrounds of highly successful African-Americans turns up very few Ivy Leaguers and a great many graduates of colleges that admit almost all of their applicants. Lemann simply assumes that who gets into Harvard is an all-important question, and displays no interest in weighing the available data.

Lemann also "knows" that the SATs and similar tests are biased against blacks. But if SATs were designed to predict performance in college, the evidence shows that they are actually a bit biased *in favor* of African-Americans. In their college courses, black students perform about as well as whites and Asians with SATs 180 points lower—that is, substantially worse than their scores would predict.

Likewise, Lemann insists that a student's performance on the SATs is heavily dependent on access to the services of Stanley Kaplan, the Princeton Review, or some other test-prep outfit. But he ignores studies that have found, for example, that 100 hours of coaching and studying yields an average increase of a mere 24 points on the verbal and 39 points on the math SATs. Perhaps this ETS estimate is suspect, but Lemann doesn't even mention it. Instead, he handles the issue by assertion and anecdote. One of the people he profiles "took the SATs, made mediocre scores, crammed (though cramming, according to ETS, didn't work), took them again, and did much better," getting into Yale as a result. (In this instance, it should be noted, the student in question didn't even shell out money for a test-prep course; he just did some studying on his own, hardly proof that you need to come from an affluent home to do well.)

Lemann credits James Bryant Conant with good intentions, but in the end judges him "touchingly naïve or willfully naïve or just unpardonably naïve" in believing that the SATs could contribute to the development of a "classless, perfectly mobile society." Perhaps—but this characterization applies equally well to Lemann himself. He seems to adhere to precisely the same ideal, and his plan for achieving it seems even less realistic than Conant's. His recommendations for change appear only in the Afterword, "A Real Meritocracy," and are sketched in the vaguest of terms. Lemann would have the federal government guarantee every citizen "decent schooling" as "a matter of right," and ensure that every high school teach "a nationally agreed-upon curriculum," which would be the basis for any test used for college admissions. And he recommends that the gap "between the more and less selective colleges" somehow be closed.

Even if we leave aside all the practical objections that leap to mind, can anyone believe that the implementation of this program would move the nation notably closer to the ideal of a "classless, perfectly mobile society"? Even if the curriculum were as uniform across the United States as it is in France, and each school had identically qualified teachers and absolutely the same resources, it is difficult to believe that this would wipe out the advantages of growing up in a middle-class home, especially a middle-class white or Asian home.

A radical egalitarian who was serious about achieving a classless utopia would attack inequality at its point of origin—the nuclear family. Although Lemann's indictment of American society is radical in tone, his proposals for change are superficial, tossed off hastily without adequate reflection. If a "classless, perfectly mobile society" is defined as one in which family origins do not matter, it surely will be unattainable without removing all infants from the care of their parents and rearing them collectively on something like a kibbutz. Even then, family origins would still have an influence if there is any hereditary component at all in intelligence.

Fortunately, the world in which test scores determine precisely where you can go to school, and in which where you go to school determines your ultimate place in society, exists only in Lemann's imagination. America is a land of second chances—and third, fourth, and fifth chances as well. We have over 3,700 colleges and universities in this country, the vast majority of which have essentially open admissions. SATs and similar tests are one valuable tool in figuring out which students have the academic skills expected at selective institutions—nothing more. They don't measure ambition, discipline, common sense, personal sensitivity, or many other traits that matter in life. Our society is as fluid, as open to talent, as any in history. The efforts of James Bryant Conant and the Educational Testing Service have not made it less so. Quite the contrary. **NR**

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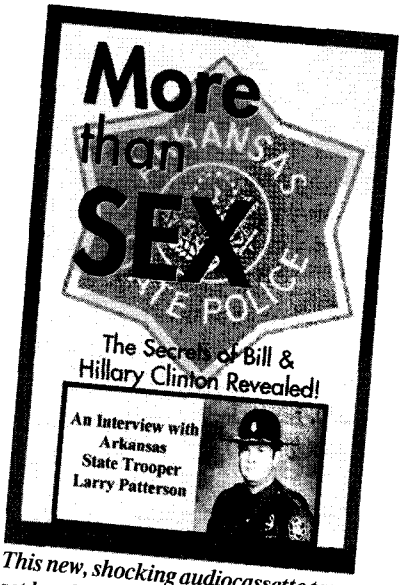

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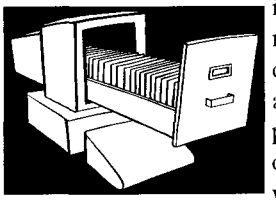
Sacking Lombardi

JAMES BOWMAN

When Pride Still Mattered: A Life of Vince Lombardi, by David Maraniss (Simon & Schuster, 416 pp., $27.50)

THE detached adverbial clause in the title of David Maraniss's biography of Vince Lombardi is taken from Richard Ford's novel *Independence Day*, where it occurs in connection with the Vince Lombardi Service Area on the New Jersey Turnpike. Maraniss, like Ford, claims to use the expression with "a certain irony," but it seems to me to be a very uncertain irony. On the one hand, Maraniss obviously admires Lombardi's dedication and leadership, his heart as an undersized guard among the Fordham "Seven Blocks of Granite" of the 1930s, and his ability to instill discipline and teamwork into winning football teams at St. Cecilia's High School in Englewood, New Jersey, at Army, and with the New York Giants, Green Bay Packers, and Washington Redskins. Even during his lifetime, cut short by cancer in 1970, when he was 57, Lombardi personified the best in American football—which is why they named the Super Bowl trophy after him.



On the other hand, he also personified what we have come to think of as a peculiarly American sort of drive and will to win. His coaching style was perfected under the great Red Blaik at Army in the late 1940s and early 1950s, and Blaik himself was an unashamed disciple of Douglas ("There is no substitute for victory") MacArthur, a man who treated football and war with the same seriousness. In post-1960s America, it is presumably almost impossible for an intellectual to regard this kind of lust for victory unambiguously, or to celebrate without at least the pretense of ironic detachment such corny, old-fashioned virtues as discipline and *esprit de corps*. In any case, Maraniss, whose last outing as a biographer had him taking the measure of Bill Clinton in *First in His Class*, is hardly the man to do so.

To go from Bill Clinton to Vince Lombardi is to traverse virtually the entire spectrum of postwar American ideals, yet Maraniss kept Clinton at arm's length in almost exactly the way that he now does Lombardi. On the one hand, he was rather inclined to take at face value the self-pity of the anti-war generation—most egregiously displayed in Clinton's notorious letter to Colonel

To go from Bill Clinton to Vince Lombardi is to traverse virtually the entire spectrum of postwar American ideals.

Holmes of the Arkansas ROTC, which Maraniss called "the testament of a bright, troubled, manipulative young man struggling with his conscience and his ambition." One can only imagine what Lombardi would have thought of that characterization. On the other hand, Maraniss struggled to keep a grip on his skepticism, remarking, for instance, on Clinton's "internal ambivalence" and "habit of adapting to the people around him and trying to present to them the version of himself he thought each would most admire."

Yet both Lombardi and Clinton deserve a less morally ambiguous summing-up. As a man of Clinton's own generation, Maraniss has a horror of seeming "judgmental" that in the end is merely coy, a way of obscurely distancing himself from straightforward moral judgments. True, he is censorious about the coach's temper and his treatment of his wife and children—which, while always correct, looks decidedly neglectful by the standards of the nurturing '90s. Yet these things seem somehow beside the point. What if the temper and the long

Mr. Bowman is movie critic of *The American Spectator*, American editor of *The Times Literary Supplement*, and media critic of *The New Criterion*.

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hours at the practice field while Marie was alone with the bottle were the price Lombardi paid for his victories and hence his glory? Are we meant to deplore or applaud the lost time when pride is said to have mattered? That's where the irony comes in.

Here, for example, is what Maraniss has to say about the cheating scandal at West Point that wrecked the great Army football tradition of the 1940s:

> This was 1951, the beginning of what was later perceived through the lens of nostalgia as a decade of simplicity. This was West Point, garrison of traditional American values: duty, honor, country. And this was Coach Blaik, the Old Man, demanding and austere. It would be easy for someone nearly 50 years later, discouraged by the corrupted state of sports in America at the end of the twentieth century, and unmindful of the cycles of history, to take a fleeting look at that combination and make a backward leap of faith: now there was a time and place where sport was honest and clean, by the rules, when pride still mattered.

Guess what? It wasn't. It didn't: Some football-playing cadets were caught cheating. "But," Maraniss adds, "the events of that episode are not immaterial . . . to understanding the mythology of Lombardi, the contradictory demands and expectations of football, and the fallacy of the innocent past." But the funny thing about "the fallacy of the innocent past" is that it exists only where it is being refuted, usually by someone intent on discrediting the past, innocent and non-innocent alike. True, we often speak as if we believed in the essential "innocence" of the good old days, but that, insofar as it existed at all, had mainly to do with what people would talk about in public. No one seriously supposes that grown-up people in 1951 were strangers to the idea that young men engaged in sporting competition might cheat—or do even worse things, for that matter.

In other words, Maraniss has set up a strawman that he can then knock down with an attitude of superior understanding, in answer to those for whom Lombardi "is always there . . . lurking in the national psyche at a deeper level." To such people the great coach is a symbol either of the good in that allegedly

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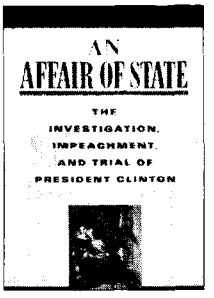

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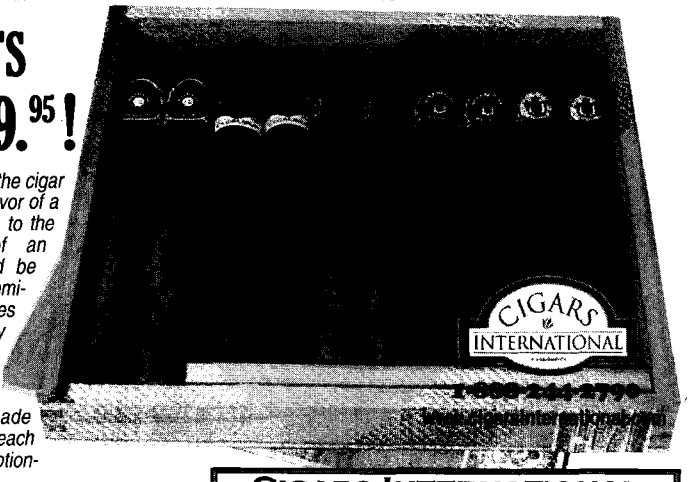

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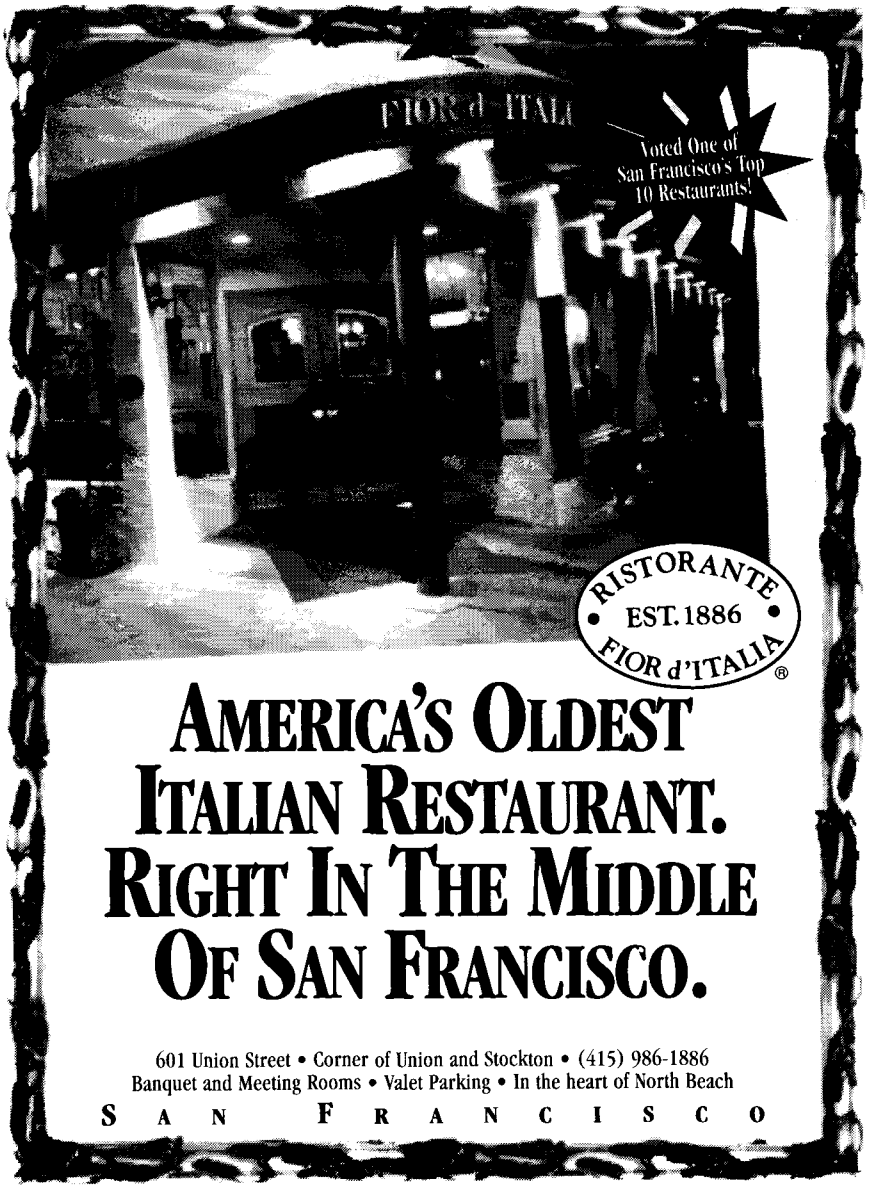
more innocent time or of the bad in "the American obsession with winning" and "the modern ethos of competition and success." But here is another strawman. There is nothing distinctively "modern" about the desire to win or the "ethos of competition and success." Its modernity is as much a chimera as the "innocence" of the past, but Maraniss needs to keep both alive so that he can triumphantly slay them, claiming to penetrate "the myths that surround" Lombardi to find the "more complex and interesting" man within.

In fact, what emerges from this biography is how relatively uncomplicated and uninteresting Lombardi was, apart from his life on the football field. His private life—spending too much time at the office and on the golf course, trying to succeed, eating, drinking, and smoking too much, neglecting the wife and kids—was indistinguishable from that of millions of other working stiffs of his time and at no point makes the slightest contribution to understanding his "myth." This would have been better told in frankly mythic fashion than treated, journalist-fashion, as merely a smoke screen for some banal "truth." Thus, Maraniss reports, "The truth about Lombardi was that his outward bluster barely concealed his soft spot for players . . . " Well, fancy that!

To be fair to Maraniss, his book is better than the rationale he constructs for it. Especially once he gets into the Green Bay years, he keeps forgetting about his strawmen—that "fallacy of the innocent past"! that "modern ethos of competition and success"!—in the excitement of just telling the thrilling story of Lombardi's victories. Perhaps the most thrilling was that in the "Ice Bowl" of December 31, 1967, when the Packers beat Tom Landry's Dallas Cowboys in the last seconds in 13-below cold to win the NFL championship.

"Of all the games I've done," according to the broadcaster Ray Scott, "that final drive was the greatest triumph of will over adversity I'd ever seen. It was a thing of beauty." What is all Maraniss's trendy, quasi-political analysis of what he pretentiously calls "the semiotics of myth" compared with such beauty? He tells us that the story of Lombardi's relationship with his father was "the first Lombardi myth, created later as part of a larger Lombardi mythology, which was steeped in patriarchy and needed a stern original father figure." So maybe it is not, after all, those who are "steeped in patriarchy" who win football games? Was there, then, another, more nurturing and maternal Vince hidden away, along with his soft spot for his players, under that "outward bluster"?

It is a silly and ultimately meaningless question that arises only out of the terms in which it is framed—like that chimerical "patriarchy" that is such a favorite of the academic Left. The "outward bluster" was not merely an accidental by-product of the "real" Lombardi's psychological makeup. It *was* the real Lombardi, the very essence of the man and the means by which he transformed himself into the myth. Like the rest of us, Lombardi had his faults, but, unlike the rest of us, his faults were also his virtues, and the reasons that we remember and admire him so long after his death. Neither Maraniss nor the Clinton generation that he has elsewhere chronicled may be able to share wholeheartedly in that admiration. For them, the "myth" must always be qualified by some mundane "reality." But this book is evidence that, underneath their own outward bluster, at some level they still believe in the myth, just as at some level they know that pride always matters. **NR**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History Bites

JAMES GARDNER

My *Century*, by Günter Grass, trans. by Michael Henry Heim (Harcourt, Brace, 320 pp., $25)

It has been said that there are two kinds of Nobel Laureates in literature: those who don't need the honor and those who don't deserve it. In recent years, with a few important exceptions, the Swedish Academy has tended overwhelmingly to favor the latter, with a special fondness, it seems, for herbivorous leftists of the Third World sort. Most British and American novelists, even those of the highest quality, hardly stand a chance. To write well, to hold provocative opinions and spin engaging plots—in short, to produce anything that anyone could possibly want to read—would seem, in itself, to disqualify an author from serious consideration for the supreme honor. This may explain why, over the last three years, the Academy has yanked out of their well-earned obscurity Wislawa Szymborska, a very minor poet, José Saramago, a crashing bore of a novelist, and Dario Fo, who is, quite literally, a clown.

In the circumstances, it is reassuring that, this year, they have chosen to honor Günter Grass. For all his failings, he is indisputably *weltklasse*, or world class, as the campaign posters said of Helmut Kohl. And yet, Grass is really being honored for his earliest novels, *The Tin Drum*, *Cat and Mouse*, and *Dog Years*, which together constituted his Danzig Trilogy. These works, from 1959 to 1963, were not only spirited and amusing, but gave an eloquent voice to a postwar Germany that, until then, had stood largely silent before the rest of the world. Above all, these novels had about them a sense of serious, sturdy bigness that has been lacking in much contemporary literature.

Mr. Gardner is the art critic of NATIONAL REVIEW.

In more recent works, however, a taste for literary gimmickry, as in talking fish and anesthetized narrators, has imparted to Grass's career a kind of earnest goofiness. The overarching gimmickry of his latest offering, My *Century*, consists in its consecrating exactly 100 chapters, or "stories," of roughly 700 words each, to the years 1900 through 1999. Sometimes, Grass speaks in his own voice. More often, he invents a wide range of personas as he goes along—young and old, male and female, rich and poor. There are times when Grass seems to feel boxed in by his gimmick, and then he cheats a little. Thus the chapters 1914 to 1918 form a single conversation between Erich Maria

■

This book is about Grass's century, and Grass is nothing if not German.

■

Remarque and Ernst Jünger, the two foremost German novelists to write about the Great War.

According to the jacket copy, My *Century* is "to be published simultaneously around the world," at the end of the 1900s. There is something at once imperious and touching in such universalist ambitions. And yet the title, which is significant, gives the lie to these aspirations. For the book is about Grass's century, and Grass is nothing if not German. Whether he knows it or not—I suspect he does—this book is written for his compatriots. That is not a demerit in the book. To the contrary, the best thing it offers non-Germans, even if inadvertently, is the opportunity to hear, or to overhear, how Germans speak to one another about their history when the rest of us are not supposed to be listening.

The most important revelation is one of emphasis. The rest of the world, when it considers Germany in this century, or indeed, in any earlier one, focuses almost exclusively on the years between 1939 and 1945. Everything before and everything after is but prologue or epilogue to that dark time. Grass surely gives great weight to these years. But he reminds the world, as it often needs to be reminded, that, to the Germans themselves, the years before and after

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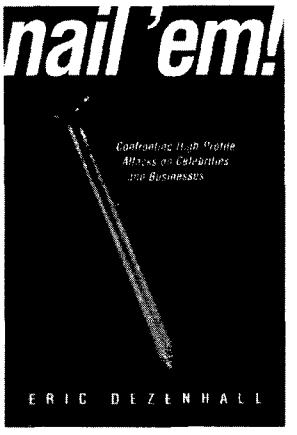

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were lived through and experienced in their own right, that they had their own unique orbits of relevance.

Perhaps some will find it tedious or even off-putting for a German novelist to see our century so unabashedly through German eyes. Yet American novelists like Don DeLillo have tried, in their own nationalistic ways, to take the measure of our times. And if DeLillo's points of orientation in *Underworld* are Los Alamos, Jackie Gleason, and Bobby Thomson's pennant-winning home run of 1951, there is little reason that Grass should not be permitted to look to Konrad Adenauer and Wolf Biermann, to the Reichstag and the Berlin Wall.

Of course, *My Century* is not merely, or even primarily, a work of history. It is a work of fiction—of art—and it must be judged according to that criterion. Here it fares less well. There is something didactic in the tone of these hundred vignettes, rather like some staged grade-school reenactment of history, in which the burden of bringing the matter to life is overwhelmed by the concomitant need to impart useful information along the way. One senses this in the narrative of a woman picking through the rubble of postwar Berlin, in an account of the death of the poet Georg Heym, in the record of a meeting between Paul Celan and Martin Heidegger. In this regard, *My Century* suffers from a confusion of genres: Though it aspires to be at once fiction, history, and memoir, it is ultimately too factual for fiction, too arbitrary for history, and too impersonal for memoir.

Furthermore, the proliferation of voices can succeed, as it did in our literature for William Faulkner and Edgar Lee Masters, only if the author subordinates his own voice and his own identity to those of his characters. Grass cannot or will not to do this. A general sameness in tone, at least in the translation, contributes to the sense that *My Century* is something of a *parergon*, casually tossed off by this larger-than-life imagination, who, in writing it, seems never to break a sweat.

And yet, as inveterate channel surfers have long known, absolutely everything in the world is interesting for at least three seconds. Transferring this axiom to literature, we should observe that chapters as brief and various as those of *My Century*, having been spared the *longueurs* and incoherences of some of Grass's other recent works, cannot fail to engage the reader's interest. **NR**

Clockwork

DAVID KLINGHOFFER

Timeline, by Michael Crichton (Knopf, 450 pp., $26.95)

IN the catacombs of a ruined 14th-century French monastery, a team of grad-student archaeologists from Yale stumbles on something peculiar. It's a convex piece of glass that looks like it could have come from a pair of—wait a minute, yes that's exactly what it looks like, but it couldn't be—a pair of eyeglasses of a distinctly 20th-century design. It must be a joke. But what's this? In an alcove of the same underground necropolis, sealed since well before the modern era, the team finds a packet of documents, parchment covered in medieval languages, nothing surprising among them except for one item toward the middle of the bunch. On this parchment is scrawled a message in recognizably 20th-century English language and script. It says: "HELP ME. 4/7/1357."

Yes, it must surely be a joke. For the desperate plea was apparently written in the hand of their distinguished professor, Edward Johnston, leader of this dig, who at the moment is known to be in New Mexico conferring with the management of a high-tech company that's been financing the expedition.

The ink and this parchment, as well as the document itself, are soon subjected to carbon-dating. Their antiquity is confirmed. The message was written in A.D. 1357.

This occurs on page 100 of Michael Crichton's new novel, and anyone who reaches that page and doesn't want to carry on to the end—to find out how that odd eyeglass lens and eerie letter on parchment got into an ancient, sealed ruin—can only be one thing: He must be an art-novel snob, and woe to such a reader. As Crichton has proved in a series of deservedly huge-selling suspense novels starting with *The Andromeda Strain* and running on to *Congo*, *Sphere*, *Jurassic Park*, and the rest, he is not an artist but a craftsman. And there's much that should be said, but generally isn't, in favor of good, modest craft novels.

Such books are written by a variety of often very wealthy men, including Stephen King, Tom Clancy, and Robert Ludlum, who are typically sneered at by everybody who ever wrote a book review. But King, probably the most gifted of the craft novelists, is more effective at what he does than are most contemporary art novelists—John Updike or Joan Didion, or you name it—at what they do. I reached this conclusion one night as I read King's *The Shining*—the scariest book I ever experienced—around 1 A.M. by myself in a small house in a quiet suburb. Crichton isn't too far behind.

There is much that should be said, but generally isn't, in favor of good, modest craft novels like Michael Crichton's.

What makes an outstanding craft novel? Three things. First, a mystery. In fact every good story is ultimately a mystery story. In the case of *Timeline*, we want to know how modern artifacts got into a medieval catacomb. That question is resolved in the first third of the book, and I can tell you the answer because another intriguing mystery soon takes its place as the force that drives the narrative.

Those Yale grad-students—Marek, Kate, and Chris—follow Professor Johnston to New Mexico. There they discover that the mysterious high-tech company, ITC, run by a slightly sinister Bill Gatesian figure, has employed principles of quantum physics to send Johnston back to medieval France—precisely to the site in the Dordogne region where Johnston's team has been

Mr. Klinghoffer, an NR senior editor, is writing a biography of the patriarch Abraham.

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digging. The students must go back in time to rescue him.

In his Introduction, Crichton notes that, as of last year, something called "quantum teleportation"—like faxing a three-dimensional object—had been accomplished at three separate laboratories around the world. Who knows if that's true? Who cares? Either way, he explains the technology credibly enough. It turns out that when you quantum-teleport an object, it moves not between two locations on earth but between two locations in parallel universes. The theory is that every event in history that could have gone another way produces a split in the fabric of existence, resulting in two distinct universes. So there's a universe where Hitler lost the Second World War, and another where he triumphed. Skeptical readers will just have to accept that a person can travel from one of these universes to another, and from one time in a given universe to a different time in a different universe. The new mystery becomes: What is it that ITC hopes to do with the technology—apart from imperiling the lives of innocent grad students by putting them in the way of rampaging medieval armies jousting for turf in northern France, as happens here?

Second, a craft story must have twists, and there are nifty ones in *Timeline*. Like when Marek, Kate, and Chris, on the ground in 1357, realize that some stranger is listening in on their conversations. These are being beamed back and forth at a distance through a gadget lodged in the ear that's not only a walkie-talkie but a super-fast translator of all languages spoken in the Middle Ages. The stranger, who means them harm, can understand modern English.

Third, a craft novel needs what screenwriters call a time lock, a narrative device such that if the protagonists fail to accomplish their goal by the final moment of a predetermined period of time, then all hell's going to break loose. Here, the lock is set at 37 hours. When that time has elapsed, the team must have picked up Professor Johnston and got back in their quantum-traveling machines; otherwise they won't be able to return to the 20th century ever again.

Writing a compelling craft novel is, in fact, a lot like writing a screenplay. And anyone who thinks that's a snap should

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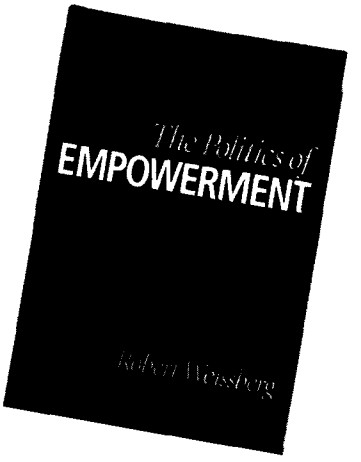

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give it a try. The flotsam of lame suspense movies that churn through theaters every Friday shows that even all the money and the prestige of Hollywood isn't sufficient to create a really suspenseful suspense film more than in 1 of 15 or so cases.

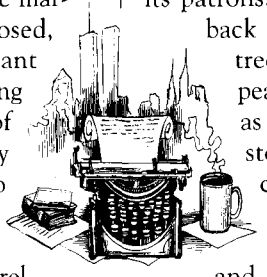
Timeline isn't Crichton's best book—the exposition can be cheesy, and a made-up citation from a non-existent book called *The Hundred Years War in France* on page 1 basically gives away the ending. So skip page 1. But to generate and sustain real suspense over 400 pages, as Crichton does, is an accomplishment that's a whole lot easier to describe than to duplicate. **NR**

■ CITY DESK ■

We Recycle

RICHARD BROOKHISER

THE only thing in short supply in New York is New York itself. People, things, and passions we have in abundance, but it's hard to find any place to put them. We depend on the resulting density—the residents of my apartment building feel aggrieved just now because the 24-hour fruit and vegetable market on the ground floor closed, which means that if we want orange juice at 2 in the morning we must perform the chore of crossing the street. Density drives up prices, however, so New Yorkers, especially those in any kind of business, are in continual search for new and (relatively) open spaces. They roam the city like Mongolian herdsmen, but the pastures they seek are office buildings, old factories, empty warehouses, and slums.



A better comparison might be beavers, which change the landscape, felling trees and damming streams, then move on, leaving their ponds to become meadows and woods once more. A typical land-use cycle in Manhattan is: making useful things; making useless things; selling useless things. When I first moved to New York in 1977, Soho was about to break out of Phase Two. Soho (the name is short for South of Houston Street) was a stand of old-growth high-rises—"high," at least, for the days when elevators were first invented. The buildings were factories with cast-iron fronts: Venetian *palazzi* for ball-bearing makers. Almost all such useful businesses had flown, though their fading signage still loomed on high side walls. For a dozen years, the neighborhood had been colonized by artists, who appreciated the vast loft spaces and the cheap (if dubiously legal) rents. The streets were paved in bricks, not asphalt, and the building fronts were doubly decorated with webs of fire escapes, in addition to their pompous colonnades. On dark nights, when the sidewalks were empty, which they always were, you fancied you had entered a dream, or the past. West Broadway, Soho's main drag, could boast of only two establishments that served the public—a dealer in Indonesian art and a coffee house in a funky shoebox-size space, heated by a large woodstove. The first time I had coffee there, on a bitter winter night, I felt like a trapper in *The Call of the Wild*.

Twenty-two years later, West Broadway is a souk of services and retailers. The coffee shop sprouted a dogleg through to a perpendicular street and became a restaurant—one of many. The best Soho restaurant is haute Italian, with metal chairs as thin and angular as its patrons. The most pompous has a back garden planted with cherry trees; in the spring, the Europeans and their cell phones are as thick as the blossoms. In one store you can buy pseudo-country hasps and hampers; another offers pseudo-Sixties plastic inflated chairs and lava lamps. There are still some art galleries, though most of those, as well as the artists they show, have moved out. Consumption pushes to its final, junk phase, as megastores offering cosmetics proliferate alarmingly.

The process is happening again in the Meatpacking District, an angle northwest of Greenwich Village. Wholesale meat sellers still operate there, out of low-slung buildings with racks under their broad eaves. At night the area was a resort of transvestite prostitutes—call them curbstone wholesalers. The first swallow of change alighted when a French bistro opened in a former diner. Then came a bar where, readers of Page Six were pleased to learn, Julia Roberts might get plastered and dance with the barmaids. Now the land rush is on. It has gone so far that two Belgian eateries face each other across 14th Street, one serving hot chocolate, the other serving fruit beer.

Even as upcoming neighborhoods sprout in different places, so the activities in them change slightly over time. Twenty years ago, arty used-ceramic stores were full of Fiestaware. Now it would be easier to find WIN buttons.

■

One doubt nags the tracker of migrating retailers: Does anyone in the city *do* anything?

■

Once a gay presence indicated stylistic originality. One sign that gays' happening days are about done is that a gay presence now just as often indicates blandness, sameness, and mass marketing. The men's clothes on sale on West 14th St. look boring enough for brokers.

One doubt nags the tracker of migrating retailers: Does anyone in the city *do* anything? This is not prole nostalgia for ham-necked welders out of WPA murals. A few software startups would be nice. New York hyped Silicon Alley, its answer to the Pacific Northwest, but it was mostly hype. Mayor Giuliani, who broke the crime wave, lacks the ability or the will to lift the city's tax and regulatory burdens. The city clings like an exhausted swimmer to the back of Wall Street; come the next bear market, we will founder.

Meanwhile the hunt for new turf goes on. The more venturesome explore the outer boroughs. The new young woman at my literary agency lives in Red Hook, on the harbor shore of Brooklyn. Red Hook! where Marlon Brando coulda been a contender. Red Hook! where the infrastructure looks like the blasted heath. I canoed up to a rotted pier this summer and would not have been surprised to see wild dogs and tumbleweeds. But that's where 29-year-old classics majors go to live now. If they come, can the Gap be far behind? **NR**

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■ FILM ■

Truth Up in Smoke

JOHN SIMON

IT is rare for a Hollywood movie to be both commercial and artistic, both a nail-biting exposé à la *All the President's Men* and a socio-political art film like those of Gillo Pontecorvo and Francesco Rosi. But ***The Insider*** is such a film: a superb quasi-documentary telling a real-life story (though not all of it, and with a few names changed), and a marvelous feature, 155 minutes of entertainment, exemplarily written, directed, and acted.

The film concerns Jeffrey Wigand, a scientist working for the third-largest tobacco company, Brown & Williamson, who, after much agonizing, blew the whistle on Big Tobacco's practices: He said that nicotine was addictive, with special additives making it even more insidious, and that the tobacco bigwigs lied to Congress and the nation, besides trying to silence him by fair means or foul. The man who aided and doggedly abetted him was Lowell Bergman, ex-radical firebrand and a news producer for *60 Minutes*, trying to bring about a segment of the show in which Wigand would spill the beans on-camera to Mike Wallace.

This involved extraordinary amounts of planning and plotting, as B&W pulled all strings legal and illegal to block the enterprise, not least intimidation and a huge smear campaign, almost completely mendacious. But Bergman, Wigand, and *60 Minutes* were prevailing until the CBS board squelched the airing of that segment. There was a fear of a multi-million dollar lawsuit from B&W; Lawrence Tisch, the then-new CBS capo, was negotiating a merger with Westinghouse he did not want litigation to queer; and besides, Tisch owned Lorrillard, about to acquire some of B&W's discount brands, though the film is regrettably silent about this.

Wigand had signed a draconian confidentiality agreement with B&W in exchange for considerable severance pay and health benefits especially needed by one of his daughters, chronically ill. This enabled B&W to hound him legally, and necessitated acrobatic maneuvers, such as his testifying in an anti-tobacco case in Mississippi, where B&W with its Kentucky law was hamstrung, and his getting certain things into the public record and thus usable on television. I cannot begin to go into the Byzantine ploys and counterploys chronicled by *The Insider*, making your heart race in time with the frames of the film, 24 beats a second.

There is, however, much more to the film than the suspenseful and literate screenplay by Eric Roth and the director, Michael Mann, based on expert reportage by Marie Brenner. Take, first,

■

Russell Crowe and Al Pacino have a chemistry unmatched since Gable and Harlow.

■

Wigand and Bergman as played by Russell Crowe and Al Pacino. Crowe magisterially conveys a character of intricate motivations: heroic largely out of compulsion; loving truth only a little more than economic and marital benefits (his wife, Liane, enjoys the amenities of corporate affluence). This is a fleshy man, an athlete on the verge of beefiness; but just what he does with his eyeglasses is artistry enough. The paranoia that creeps—not unjustifiably—into his life; the struggle to hang on to his wife and children, who nevertheless leave him, after repeated death threats; the endless all-hour phone calls, friendly or hostile, that buffet him as bells do experimental animals—Crowe suggests them with hard-won self-control: You can feel the sweat in this man's soul.

Pacino, who goes over the top as easily as one steps over a garden hose, stays within bounds as Bergman. He looks as emaciated and haunted as ever, his eyes barely contained in their sockets, his tousled hair propelled by a powerful additive; yet he suffers more than he rages, croons more than he croaks. His eruptions are the more powerful for

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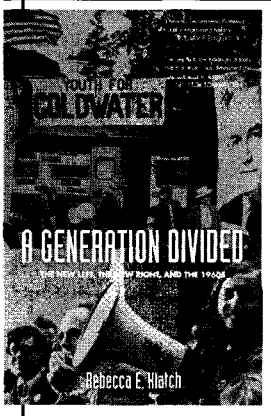

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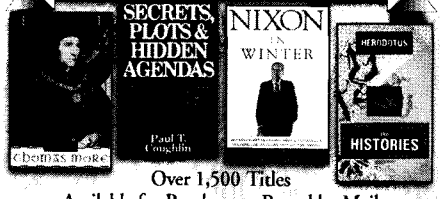

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coming from a nonsmoking volcano (as befits an anti-tobacco film). Best of all, the bleached-haired Crowe and the charcoal-tagliatelle-topped Pacino have a combustive chemistry unmatched since Clark Gable met Jean Harlow. Their combative love-hate percolates throughout, and has the movie crackling like Rice Krispies on Benzedrine.

I'd eulogize every player, down to Wings Hauser, who, in one scene as a tobacco lawyer, is scarier than ten nights in a graveyard. There is Christopher Plummer's Mike Wallace, commandingly blending toughness and slipperiness, rectitude and opportunism. There is Diane Venora's memorable Mrs. Wigand, managing in a small part as layered a performance as Meryl Streep in her plummiest solo turn. There is dear Lindsay Crouse, as Bergman's wife, radiating spousal supportiveness without an ounce of sugar. There is Michael Gambon's portrayal of a tobacco executive that, understated though it is, makes you wish for antifreeze for your bloodstream.

And what of Gina Gershon, as the CBS lawyer, who without one excessive move makes you hate lawyers and their employers with equal ardor? Why, even those very minor actors portraying hostile Arabs, in a prologue showing Bergman and Wallace tangling with some Middle Eastern terrorists, contribute to making that merely prefatory scene worth an Oscar or two.

Michael Mann, whose direction has at times been too mannered, puts his copious conceits to good use here. Extreme close-up, which can be distracting, here serves to rivet us to the gears of the plot. Telephones of every kind—sleekly cellular or clunkily coin-operated, on Lear jets or hectic street corners—crisscross the movie with talk oiled by cajoling suasion or driven by rocketing imprecations. They carry death threats or encouragements with equal urgency, and when their nocturnal rings remain unresponded to, your palms itch empathetically.

Seldom has film put backgrounds to better use. Whether they are actually exotic locations or peculiar murals, they heighten the tension by their insinuating irony, as Dante Spinotti's camera scoops drama out of every nook and cranny. There is even a scene with no partition for background, when Wigand, now deprived of his daughters' company, envisions their living presence as if right there. My only slight cavil is with the music by Lisa Gerrard and Pieter Bourke, which tries too hard to be different, but at least succeeds in being that. If *The Insider* does not strongly move you one way or the other—or both—you don't deserve movies; stay at your television and let your tubers grow into the couch.

■ I missed the documentary on Brandon Teena, but here now is a first feature by Kimberly Peirce about him/her, ***Boys Don't Cry***. It is the story of young Teena Brandon from Lincoln, Nebraska, who wanted to be a boy and changed herself into Brandon Teena in the dull neighboring burg of Falls City, where girls fell for this sensitive youth. One of them, Lana, though catching on, even consummated an affair with him. But when two ex-cons, one of them Lana's ex-boyfriend, found out, they first raped Brandon, then killed him.

The motif of the person who changes sex is well-known in life as in literature. The latter, at least, should provide some explanations, and a sense of how sexual partners could be so duped. The film, co-written by Peirce and Andy Bienen, has Teena declare that she is not a lesbian, but beyond that doesn't even try to enlighten us. But it does, as noted, explain the sex scenes.

Hilary Swank, an attractive and delicate actress, cuts an appealing ephebic figure in the lead that might have fooled the folks at Andover or Exeter, but among these beer-swilling, roughhousing hillbillies would hardly have passed. She strains to get her voice low, and keeps flashing a toothily boyish smile, but earns our respect rather than belief. As Lana, Chloë Sevigny, a specialist in trashy roles, is more convincing. Other parts are underdeveloped or stereotypical. The drab atmosphere of Falls City is well captured; the rest remains sketchy. **NR**

■ BOOKS IN BRIEF ■

Twilight: Losing Sight, Gaining Insight, by Henry Grunwald (Knopf, 130 pp., $20)

HENRY GRUNWALD had begun the memoirs of his illustrious career when he found himself straining to see through his left eye. Two years later, even after myriad, endless sessions with resourceful specialists, the light continued to dim, attacking also his right eye, and now he is a macular degenerate, one of the 15 million in America. This slender book is an account of his travail, a miniaturist's account of the pathology of the retina's blockage, its effect on his life, behavior, and thought, and a not-so-hopeful account of the efforts and ideas of the scientists who labor to return full sight to the afflicted. The idea of retinal transplantation is exhilarating. "The bad news is that we still have no way to connect the approximately 1.2 million fibers from the retina to the brain." The author's career is comparable to Henry Kissinger's. Both arrived in New York at about the same time; of the same age and religion, fleeing the same oppressor. The two refugees had singular skills, imagination, and ambition. Grunwald ascended as high in journalism as one can go, becoming editor-in-chief of the Luce publications. The account of his life (in *One Man's America*), as with the memoirs of Dr. Kissinger, fortifies the pride we take in the special hospitality of American culture, whether in journalism or in statecraft. His curse now gives the reader a thorough introduction to macular degeneration, as also the gratification of a story superbly told, reminding us that the Miltonic gift is alive. We brush by the skirts of hopelessness, but learn quickly how it was confronted, and rejected, by this learned and spirited man. —WILLIAM F. BUCKLEY JR.

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Whose Side Are We On?

NEW YORK, NOVEMBER 12

HEREWITH a very personal reading on the Microsoft business. In re the popular reaction: It hasn't been easy to mobilize an antagonistic mood toward Microsoft. The reason for it is as obvious as that millions of people see their lives as having changed on account of (and here they—we—mix things up): the computer and the Internet. And we think of Microsoft as the great generator of this miracle. Some pause to wonder whether $70 billion is an excessive reward paid to Bill Gates, but that concern is always handled by the old trick of asking yourself, How much does that amount to per person? Forty or fifty bucks over a period of ten years equals less than we spend on popcorn, those of us who spend money on popcorn, and a whole lot less than we spend on a baseball ticket, those of us who spend money on baseball tickets. It is different, in the public view, from a charge against AT&T freighted with the sense that every month we were being levied an extra $5 to preserve monopoly leverages.

On the matter of guilt and innocence, even the experts disagree. But there is the difficulty that Judge Thomas Penfield Jackson adopted, and necessarily so, a static model on what it is that constitutes a monopoly, what constitutes aggressive and predatory pricing, and what commercial practices are acceptable in outpacing (suppressing?) competition. It would seem that at a basic factual level, the defendant has been guilty of hands-on attempts to promote its own products, at the expense of competitors or possible competitors.

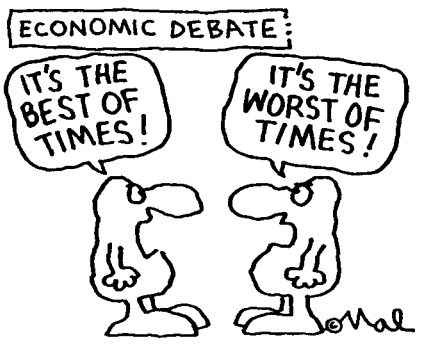
In an exchange on Jim Lehrer's *NewsHour* last Monday, Bob Herbold, representing Microsoft, refused, smilingly, every opportunity to ferret from him what might be the terms of a settlement. Not so his antagonist, Joel Klein, who directed the prosecution by the Justice Department. Where Herbold would say only that both sides agreed to keep completely silent on the question of settlement, Klein was quite willing to talk in general terms. What he said was that no settlement would be tolerated that was not based on the facts as crystallized in the report of Judge Jackson. That means, if the Justice Department is correctly understood, that Microsoft would need to agree to have been guilty of all the practices alleged, leaving open the question: What do we now do about it?

Strangely absent from any discussion has been the question of money damages. Suppose that Plaintiff A persuaded the judge that his $10 million investment in a rival browser or whatever failed in direct consequence of the predatory pricing of Microsoft. Does he appear now as a potential plaintiff asking for a return of his $10 million? And, of course, it is repeatedly confirmed that whatever deal Justice might be willing to make, the attorneys general of the individual states are not bound by it. This is a serious, perhaps a terminal, block to comprehensive settlement, and one that might entice the defendant to bitter-end litigation. An everybody-come-on-in-now settlement of the kind attempted in tobacco would take a very long time, and there is the other volatile picture.

It is that the computer world is traveling at a speed unimaginable even, well, months ago. There is now in prospect, unless the tech folk have taken the story and exaggerated it greatly, something so dazzling as to make conceivable storing every movie ever made in cubic space the size of a football. If two years from now the prosecutors find that at every disputed level there are active and prosperous competitors, they will find themselves wrestling against a phantom enemy, and that takes the electricity out of any prosecution. Rather like hiring morticians to look after Lazarus who find him at the door, inviting them all in.

Microsoft, in full-page ads, urged its votaries to make their feelings known to their congressmen, leaving unsaid what exactly those feelings ought to be. To repeal the Clayton Act that forbids monopoly practices? To urge a successor attorney general in the next administration simply to forget the whole thing, bowing to the momentum of technological advances?

That isn't clear. What remains clear in the public arena is thunderous applause for the accomplishments of Microsoft, whatever the aborted contributions of the suppressed competitors might have given us. The external composure of Microsoft, whatever the churning in the boardroom, is nicely captured by the little item in the daily bulletin mailed by Microsoft/*Slate* magazine, "Today's Papers." It is a daily bulletin available by e-mail to anyone who is curious about what the major papers have featured in that morning's news. TP (as they call it) is lighthearted and contagiously cool, and its subhead that day read, "And now for a word from our sponsors." What followed was simple, short, straightforward, and arguing mostly a general sense of composure and innocence.



Bradley's Bright Idea!

NEW YORK, OCTOBER 22

THE lead on Friday was, "Former Sen. Bill Bradley called for reducing the number of poor children by half in the next decade."

Why does he pick on children? I mean, why doesn't he come up with a plan to reduce poor adults by half in the next decade? A poor adult almost certainly suffers more than a poor child. For one thing, an adult has a clearer idea of what he's missing out on, so the pain of exclusion is keener. So what's the matter with Bradley?

Is he just *unfeeling* about grown-up poverty? How's he going to do it? *Guess!* He will simply see to it that the parents of the poor children get paid more than the current minimum wage. He would raise it by $1, and then peg it to inflation. He had to be a little dodgy on the projected money flow here, for the simple reason that poor young people are those likeliest to turn to jobs paying the minimum wage. So if jobs decrease, you'd have more young people looking for work and not finding it. The idea, presumably, is that the father or the mother, earning $1 more, could make up for the youth's losing a job by paying over that extra $1 to the child, if you see what I mean.

But the minimum wage wouldn't be enough to solve the problem. So we need a straight government subsidy of $14 billion per year. Where do you get that $14 billion? *Stupid*, you get it from excess revenues. *No, not from Social Security excesses*—from the other stuff. What other uses would you consider putting extra $14 billion hunks of money into? Payoffs to the rich? Bill Bradley isn't going to suck up to the rich, he is a man of the people. After all, the rich are

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just 1 percent of the voting public. They pay 28 percent of all federal income taxes, but they're still rich, aren't they?

But why not just eliminate poverty? Lyndon Johnson set out to do that in 1965, and one figure puts at $2.6 trillion the money spent on that war. But the poverty level has diminished, not at a greater speed than the century-long secular trend would anticipate, but at a slower speed. Using current norms, in 1900, 90 percent of the American people were poor. At the current rate, about 12 percent are poor. But that figure has not changed substantially in the past 35 years—which means that something caused that lowering graph of poverty-level Americans to stop descending at the rate the first half-century had got us used to. What happened?

Well, the most significant cause of poverty is, of course, the one element not mentioned by candidate Bradley. It is single parenthood. Children born to a single parent are burdened, the statistics tell us, by a factor of 600 percent. That is, they are six times likelier to be poor than a kid with two parents. Add to that, while we are at it, six times likelier to go in for drugs and crime and illiteracy. Bradley was not going to tell the congregation at the Concord Baptist Church in the Bedford-Stuyvesant section of Brooklyn that the biggest contribution they could make toward the reduction of poverty would be to reduce casual births. The only serious program on how to do that is given by Charles Murray in his book *Losing Ground*. Charles Murray endorses ending welfare for unwed mothers. He is not running for president.

Bradley the politician needed a strong rhetorical lift for his creaky suggestions (Raise the minimum wage! Subsidize the parents! Greater income-tax credits!); so off we went to the moon again. "If we can muster the will and create the technology to put a man on the moon in a decade, then surely we can eliminate child poverty." Mr. M. Stanton Evans, the gifted analyst and author, came in with the moon analogy very early, 30-odd years ago, and Bradley acts as if he had *never* heard of Evans's epiphany. It is, "Any country that can manage to put a man on the moon can manage to eliminate the income tax."

But so it goes, in the political season in which every contender has to come up every week or two with a new redistributionist angle. It is simply not satisfactory that an ailment can't be isolated as desperately needing attention. And attention *inevitably* means taking money from people who have it and giving it to somebody else. The brokerage fee can be huge. It can be as much as a term in the White House.

So Why Not A Ten-Buck Minimum?

NEW YORK, OCTOBER 29

A NEWLY published book by the Rev. William Sloane Coffin Jr., the left crusader of yesteryear, brings together well-composed jeremiads about unhappy aspects of life, of which there are always enough to write a book about. But the prologue of *The Heart Is a Little to the Left: Essays on Public Morality* tells the slant of the author's political thought: "At the same time that Congress is voting special tax relief for billionaires, it can't bring itself to raise the minimum wage."

Now here is the brief recent history on the matter. Three years ago the minimum wage was hiked in two steps, for a total of 90 cents, to $5.15. Indeed, the lowest-income class profited from the raise, but notwithstanding, the income, measured in constant dollars, of the lowest-paid workers is still 17 percent less than it was when President Reagan took office in 1981, and is 27 percent less than at its height in 1968. If those were the only perspectives on the question, and one set forth jackbootedly in pursuit of the cosmic justice described by Thomas Sowell in his most recent book, then the answer would be straightforward: Jack up the minimum wage by a buck and raise the wages of the poorest by 20 percent.

But the temptation to cosmic justice is derailed by the call for economic hygiene. The lesson is best expressed by the old discipline, *reductio ad absurdum*; i.e., if we want to help the poorest, why don't we raise the minimum wage not by $1, but by $5? Or $10—we're nice people and we want the Rev. Coffin to think well of us.

But, of course, realities kick in. And the argument at the moment has to do with the question of reality. Advocates of a wage hike stress the prudential point: When the last raise clocked in, in 1996, opponents fought it with the specter of unemployment. If you raise the minimum wage, marginally compensated jobs will disappear. Did that happen? No, unemployment actually went down a half point.

Similarly, in 1993 opponents of the tax increase argued that the surcharge on the wealthy would choke off the incipient boom. Did that happen? No. Does that not mean that a legislated increase in the minimum wage and heavier taxation on the rich was a good idea? No.

If the economy is booming, as it is—on Thursday, buoyant with the most recent figures, President Clinton said that if we can keep this going through to February of 2000, we'll have had the longest boom in American history—then wonderful things happen. Calvin Coolidge famously remarked that "when people lose their jobs, unemployment results." That hasn't happened. We are certainly entitled to be curious about what it is that makes for 4.2 percent unemployment in America at a time when Germany and France struggle with 11-plus percent unemployment. Under the kindly auspices of the economic season, why not ride with it? Why not raise taxes another 10 percent on the affluent and turn the proceeds over to the poorest, with earned-income tax credits, or whatever?

But, of course, the correct comment triggered by any such proposal is the equivalent of saying that because you cleaned that needle with a 10 percent detergent and nobody got sick, maybe we should treat ourselves to a 5 percent detergent.

The conceptual arguments need to be respected because they speak truths, never mind contingent exceptions. If an entrepreneur can find people who will work for $5 an hour, he can operate his restaurant at a profit sufficient to maintain him and his family. If he has to pay $6, he sees the net of the business lowered to the bottom register, and perhaps even under it, where the red ink is. Spinmeisters clock in here and say this to the model: Ah, but if he has to pay $6, then he will buy a washing machine to take care of the dishes and that increase in productivity will reduce his need for an extra worker, permitting him to pay the $6. Correct, and automation is what has everywhere happened during this century, which is why elevators don't have elevator men. But one's enthusiasm for automation must be tempered by asking: What happened to those who used to wash the dishes? Did they go on to find other jobs? If so, then that is true economic progress. But what other factors are there to consider which may have escaped attention? Answer: Is the capital that produced the job staying around, looking for another enterprise to finance after the restaurant closes? Or is it thinking of Mexico, or Taiwan, as a likelier theater for its operations?

We can get away with socially appealing measures when the going is very good, even as men can sleep around, if lucky enough not to contract disease, sire an unwanted child, and escape detection from one's spouse and one's conscience. But that isn't an argument for sleeping around. And that is why the case against artificial wage rates continues to appeal to thoughtful legislators.

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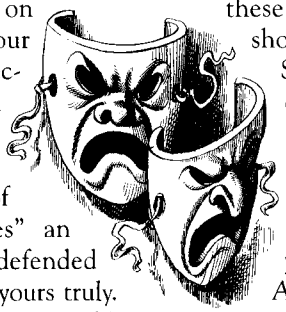
■ THE MISANTHROPE'S CORNER ■

FLORENCE KING

THE announcement of Judge Thomas Penfield Jackson's findings against Microsoft was marked by an unprecendented coincidence: Janet Reno and I were both wreathed in smiles. How could it be? I'm a right-winger who favors capitalism and laissez-faire government, and she's a left-winger who favors socialism and meddling government. Somebody was being illogical, and it wasn't Janet Reno.



Conservatives are big on logic, ever conscious of our duty to be rational and objective, quick to pounce on those who lead with their hearts instead of their heads, and unforgiving of anyone who "personalizes" an argument. Nobody has defended logic more rigorously than yours truly. I've held the fort with lofty terms like *post hoc, ergo propter hoc* and Aristotelian discourses on the "feminization" of reason, but when the Microsoft news broke I went slumming in the ghetto of subjectivity, there to learn how the other half lives and appreciate their satisfactions.

It was a lesson I'll never forget, to wit: Aristotle, schmaristotle. When Bill Gates gets his comeuppance, the logical thing to do is let fly with visceral syllogistic mayhem.

The dorky, bloodless, adenoidal Napoleon with bangs, I hope the Justice Department double-clicks on him until he turns into the Sisyphus of the task bar, forever opening, never closing. Better yet, I hope Mount Rainier erupts and turns his headquarters into a high-tech Pompeii, immobilizing his endless stream of "innovations" in obdurate eternity, to be upgraded nevermore.

I want revenge, or to put it formally in the kind of airtight, irrefutable argument you have come to expect from me: I hate Windows; therefore, Microsoft should be liquidated. I want to get even for hideously written user's manuals, for the icons that replaced incoherent words with incoherent pictures, for the way "icon" has tunneled its way into the language like a virtual mole.

I want to get even with every techie I've ever known. Every date who bored me to death with droning explanations. For the engineering majors with slide rules in leather cases slapping against their thighs like cavalry sabers. For the utter contempt in which they held "liberal-arts types." Forget alpha males and beta males, I'm talking about "pi males." They're the real leaders of today's pack, these chest-thumping, trouble-shooting bullies of Customer Support, and Bill Gates is the quintessence of the breed.

I sense that I am not alone in my gleeful reaction to the Microsoft news. For a country with a tradition of worshipping captains of industry, America has always been made strangely uneasy by Bill Gates. The only people who look up to him with unabashed admiration are "entrepenoor conservatives"—talk-radio callers who became Republicans when they discovered the word "entrepreneur" and found a way to apply it to themselves. They use it like a mantra to buck up their faith in small business and their Horatio Alger dream of being their own boss. As one of them told Rush Limbaugh, the government should leave Gates alone because "he started his company in a garage."

For the rest of us, Gates is the source of a conflict so severe that it verges on disorientation. The only thing Americans love more than progress is the old saw, "If it ain't broke, don't fix it," but Gates has emerged as the compulsive national fixer for millions who are unlucky enough to own something that works just fine. No wonder we recoil from seeing him as the new Henry Ford. He's caused a nationwide nervous breakdown with his unnecessary and endlessly upgraded bells and whistles. Think what would happen if he designed cars.

People shifted gears for decades before the automatic transmission was introduced. Since then, there has never been a time when you couldn't buy both; the stick shift did not become a "dinosaur," as it would have if Gates had dominated Detroit. The same holds true for telephones. First came "Number, please," then the dial, then the push-button, but you can still get by with a rotary phone today; you have to do a few things differently but it doesn't "crash."

A fear and loathing of Gates and his products has begun to emerge. Back in the early Eighties, columnists wrote funny pieces about their first attempts to use a PC, but now the humor has changed to outright rage. Commenting on the Windows error message, "Your computer has malfunctioned. Click O.K.," the *Washington Post*'s Rob Pegoraro snarled, "No, it's not O.K.!"

There are hints that Judge Thomas Penfield Jackson himself may be in a similar mood. In his ruling, described by the AP as having an "indignant tone," Jackson charged Microsoft with creating "confusion and frustration" that "increased technical support costs," and with selling a complex product that made computers more susceptible to crashing.

But that's not all. "In one final jab at Microsoft," reports the *Washington Post*, "the electronic version of his ruling . . . was formatted not for Microsoft's industry-standard Word software program for word processing, but rival Corel Corp.'s struggling WordPerfect software."

Judges have PCs too. I bet Jackson got the Windows error message, "Fatal Exception OD, 01FF:000001C4," and woke up his wife when he yelled, "What the hell does that mean!"

I charge Gates and his gang with marketing bundled sadism. Using "Crash," "Freeze," and "Fatal" in error messages is the work of people who get off on being the bearers of bad tidings. The latest, nicknamed by Windows users, is the "Blue Screen of Death" that pops up at the fate worse than fatal. It's royal blue with white letters like an old word-processor screen in DOS. Seeing it made me so nostalgic that I had Windows taken off and my old DOS reloaded. Now I use the mouse pads for drink coasters and the CD drive for an ashtray holder, so let's hear it for Descartes: I am; therefore, I hate Windows. **NR**

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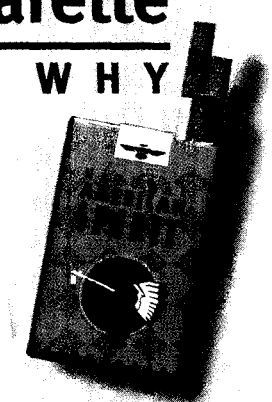

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